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# PENNSYLVANIA BULLETIN

Volume 27

Number 14

Saturday, April 5, 1997 • Harrisburg, Pa.

Pages 1635—1772

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Department of Labor and Industry  
General Provisions of Act 57 of 1996

See Part III page 1747 for the  
Subject Index for January-March 1997

## Part I

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State Ethics Commission  
Turnpike Commission

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**Latest Pennsylvania Code Reporter  
(Master Transmittal Sheet):**

**No. 269, April 1997**

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**BULLETIN**

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## ***Pennsylvania Bulletin***

The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania. It is published every week and includes a table of contents. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. First, it is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, repeal or emergency action must be published in the *Pennsylvania Bulletin*. Further, agencies proposing changes to the codified text do so in the *Pennsylvania Bulletin*.

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Public Utility Commission; Applications and Actions before the Department of Environmental Protection; Orders of the Independent Regulatory Review Commission; and other documents authorized by law.

The text of certain documents published in the *Pennsylvania Bulletin* is the only valid and enforceable text. Courts are required to take judicial notice of the *Pennsylvania Bulletin*.

There are no restrictions on the republication of official documents appearing in the *Pennsylvania Bulletin*.

## **Adoption, Amendment or Repeal of Regulations**

Generally an agency wishing to adopt, amend or repeal regulations must first publish in the *Pennsylvania Bulletin* a Notice of Proposed Rulemaking. There are limited instances where the agency may omit the proposal step; they still must publish the adopted version.

The Notice of Proposed Rulemaking contains the full text of the change, the agency contact person, a fiscal note required by law and background for the action.

The agency then allows sufficient time for public comment before taking final action. An adopted

proposal must be published in the *Pennsylvania Bulletin* before it can take effect. If the agency wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, they must re-propose.

## **Citation to the *Pennsylvania Bulletin***

Cite material in the *Pennsylvania Bulletin* by volume number and page number. Example: Volume 1, *Pennsylvania Bulletin*, page 801 (short form: 1 Pa.B. 801).

## ***Pennsylvania Code***

The *Pennsylvania Code* is the official codification of rules and regulations issued by Commonwealth agencies and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes as soon as they occur. These changes are then permanently codified by the *Pennsylvania Code Reporter*, a monthly, loose-leaf supplement.

The *Pennsylvania Code* is cited by title number and section number. Example: Title 10 *Pennsylvania Code*, § 1.1 (short form: 10 Pa.Code § 1.1).

Under the *Pennsylvania Code* codification system, each regulation is assigned a unique number by title and section. Titles roughly parallel the organization of Commonwealth government. Title 1 *Pennsylvania Code* lists every agency and its corresponding *Code* title location.

## **How to Find Documents**

Search for your area of interest in the *Pennsylvania Code*.

The *Pennsylvania Code* contains, as Finding Aids, subject indexes for the complete *Code* and for each individual title, a list of Statutes Used As Authority for Adopting Rules and a list of annotated cases. Source Notes give you the history of the documents. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred.

**SUBSCRIPTION INFORMATION: (717) 766-0211**  
**GENERAL INFORMATION AND FINDING AIDS: (717) 783-1530**

### Printing Format

Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from such a rule or regulation is enclosed in brackets [ ] and printed in **bold face**. Asterisks indicate ellipsis of *Pennsylvania Code* text retained without change. Proposed new or additional regulations are printed in ordinary style face.

### Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires that the Office of Budget prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions or authorities receiving money from the State Treasury stating whether the proposed action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions; that the fiscal note be published in the *Pennsylvania Bulletin* at the same time as the proposed change is advertised; and that the fiscal note shall provide the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the five succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the five succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The required information is published in the foregoing order immediately following the proposed change to which it relates; the omission of an item indicates that the agency text of the fiscal note states that there is no information available with respect thereto. In items (3) and (6) information is set forth for the first through fifth fiscal years; in that order, following the year the program is implemented, which is stated. In item (4) information is set forth for the current and two immediately preceding years, in that order. In item (8) the recommendation, if any, made by the Secretary of Budget is published with the fiscal note. See 4 Pa. Code § 7.231 *et seq.* Where "no fiscal impact" is published, the statement means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended.

# List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 1997.

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# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CHS. 85, 91 and 93]

#### Amendments to Rules of Organization and Procedure of The Disciplinary Board of the Supreme Court of Pennsylvania; Order No. 50; Doc. Nos. R-37 and R-109

The Rules of Organization and Procedure of the Board have been drafted to restate in full the substance of the Pennsylvania Rules of Disciplinary Enforcement. By an Order dated April 3, 1996 (No. 208, Disciplinary Docket No. 3), the Supreme Court to Pennsylvania amended the Pennsylvania Rules of Disciplinary Enforcement to clarify the application of Pa.R.D.E. 221 (relating to mandatory overdraft notification) to bank accounts maintained outside of Pennsylvania. By an Order dated July 17, 1996 (No. 252, Disciplinary Docket No. 3), and amended by Order dated August 29, 1996, the Supreme Court amended the Rules of Disciplinary Enforcement in connection with the establishment of a mandatory interest on lawyer trust accounts program.

By this Order, the Board is making conforming changes to its Rules to reflect those changes in the Rules of Disciplinary Enforcement.

The Disciplinary Board of the Supreme Court of Pennsylvania finds that:

(1) To the extent that 42 Pa.C.S. § 1702 (relating to rule making procedures) and Article II of the act of July 31, 1968 (P.L. 679, No. 240), known as the Commonwealth Documents Law, would otherwise require notice of proposed rulemaking with respect to the amendments adopted hereby, such proposed rulemaking procedures are inapplicable because the amendments adopted hereby relate to agency procedure or practice and are perfunctory in nature.

(2) The amendments to the Rules of Organization and Procedure of the Board adopted hereby are not inconsistent with the Pennsylvania Rules of Disciplinary Enforcement and are necessary and appropriate for the administration of the affairs of the Board.

The Board, acting pursuant to Rule 205(c)(10) of the Pennsylvania Rules of Disciplinary Enforcement, orders:

(1) Title 204 of the *Pennsylvania Code* is hereby amended as set forth in Annex A hereto.

(2) The Secretary of the Board shall duly certify this Order, and deposit the same with the Administrative Office of Pennsylvania Courts as required by Pa.R.J.A. 103(c).

(3) The amendments adopted hereby shall take effect upon publication in the *Pennsylvania Bulletin*. The amendments to 204 Pa. Code § 93.142(b) shall be applicable to the 1997-1998 assessment year.

(4) This order shall take effect immediately.

*By the Disciplinary Board of the Supreme Court of Pennsylvania*

ELAINE M. BIXLER,  
*Secretary*

### Annex A

#### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART V. PROFESSIONAL ETHICS AND CONDUCT

#### Subpart C. DISCIPLINARY BOARD OF THE SUPREME COURT OF PENNSYLVANIA

#### CHAPTER 85. GENERAL PROVISIONS

##### § 85.2. Definitions.

(a) Subject to additional definitions contained in subsequent provisions of this subpart which are applicable to specific chapters, subchapters or other provisions of this subpart, the following words and phrases, when used in this subchapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

\* \* \* \* \*

***IOLTA Account*—An IOLTA Account as defined in Rule 1.15(d)(3) of the Pennsylvania Rules of Professional Conduct.**

\* \* \* \* \*

#### CHAPTER 91. MISCELLANEOUS MATTERS

#### Subchapter H. OVERDRAFT NOTIFICATION

##### § 91.171. Definitions.

The following terms when used in this subchapter shall have the meanings given to them in this section:

"Fiduciary account." Enforcement Rule 221(a) provides that a fiduciary account of an attorney is:

(1) **An IOLTA Account; or**

(2) any **other account maintained in a financial institution** in which or with respect to which an attorney **holds funds**:

[ (1) **holds funds** ] (i) of the client;

[ (2) **holds funds** ] (ii) in a fiduciary capacity customary to the practice of law, such as administrator, executor, trustee of an express trust, guardian or conservator; or

[ (3) **holds funds** ] (iii) as an escrow agent or other fiduciary, having been so selected as a result of a client-attorney relationship.

"Financial institution." Enforcement Rule 221(e) provides that the term, "financial institution" [ **includes** ] means banks, **bank and trust companies, trust companies**, savings and loan associations, credit unions, savings banks [ **and any other business which accepts for deposit funds held in trust by attorneys** ] or foreign banking corporations, whether incorporated, chartered, organized or licensed under the laws of the Commonwealth of Pennsylvania or the United States, doing business in Pennsylvania and insured by the Federal Deposit Insurance Corporation, the National Credit Union Administration or an alternative share insurer.

**§ 91.172. Maintenance of fiduciary accounts.**

Enforcement Rule 221(b) provides that **[ a fiduciary account of ]** an attorney **[ may be maintained ]** shall maintain a fiduciary account with respect to his or her practice in Pennsylvania only in a financial institution approved by the Supreme Court of Pennsylvania for the maintenance of such accounts.

**CHAPTER 93. ORGANIZATION AND ADMINISTRATION**

**Subchapter G. FINANCIAL MATTERS  
ANNUAL ASSESSMENT OF ATTORNEYS**

**§ 93.142. Filing of annual statement by attorneys.**

\* \* \* \* \*

(b) *Filing of annual statement.* Enforcement Rule 219(d) provides that **[ : (1) On ]** on or before July 1 of each year all persons required by the rule to pay an annual fee shall file with the Administrative Office a signed statement on the form prescribed by the Administrative Office **[ setting forth ]** in accordance with the following procedures:

**(1) The statement shall set forth:**

\* \* \* \* \*

(iii) The name of each financial institution in Pennsylvania in which **[ funds of a client are or were held by ]** the attorney on May 1 of the current year or at any time during the preceding 12 months held funds **[ : (A) ]** of a client or a third person subject to Rule 1.15 of the Pennsylvania Rules of Professional Conduct. The statement shall include the name and account number for each account in which the lawyer holds such funds, and each IOLTA Account shall be identified as such. **[ ;**

**(B) in a fiduciary capacity customary to the practice of law, such as administrator, executor, trustee of an express trust, guardian or conservator; or**

**(c) as an escrow agent or other fiduciary, having been designated as such by a client or having been so selected as a result of a client-attorney relationship.**

(iv) A certification reading as follows: "I certify that all fiduciary accounts that I maintain are in financial institutions approved by the Supreme Court of Pennsylvania for the maintenance of such accounts pursuant to Pennsylvania Rule of Disciplinary Enforcement 221 (relating to mandatory overdraft notification) and that each fiduciary account has been identified as such to the financial institution in which it is maintained."

(v) **[ (iv) A statement that the attorney is familiar and in compliance with Rule 1.15 of the Pennsylvania Rules of Professional conduct regarding the handling of funds and other property of clients and others and the maintenance of IOLTA Accounts, and with Rule 221 of the Pennsylvania Rules of Disciplinary Enforcement**

**regarding the mandatory reporting of overdrafts on fiduciary accounts.**

\* \* \* \* \*

[Pa.B. Doc. No. 97-503. Filed for public inspection April 4, 1997, 9:00 a.m.]

## **Title 255—LOCAL COURT RULES**

### **DELAWARE COUNTY**

**Judge Pro Tempore Program; Doc. No. 97 03898**

#### **Order**

*And Now*, to wit, this 10th day of March, 1997, pursuant to the section of our September 17, 1996 Order regarding "Changes in Procedure," it is hereby *Ordered* and *Decreed* that

1. The time period in which Judges Pro Tempore may schedule conferences has been extended until May 15, 1997;

2. Phase II of the Judge Pro Tempore Program, namely non-jury trials, will begin on or about April 1, 1997; and

3. Paragraph Five (5) of the September 17, 1996 Order is amended to note that those cases, and *only* those cases, in which the litigants or claims personnel are located out-of-state, those litigants/claims personnel are not required to be present at the settlement conference if this would entail a hardship. However, those litigants/claims personnel must be active participants by telephone (telephone conference call) and *continually* present throughout the settlement conference. It will *not* be enough for the litigants/claims personnel to be "available by telephone." Please note that, other than in the aforementioned cases, judges pro tempore have no discretion as to whether or not litigants/claims personnel will attend the settlement conference, as this is clearly required by the September 17, 1996 Order.

As required by Pa.R.C.P. No. 239, the original Order shall be filed with the Office of Judicial Support and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Civil Procedure Rules Committee. Copies of the Order will also be submitted to Legal Communications, Ltd., *The Legal Intelligencer*, and the *Delaware County Legal Journal*.

*By the Court*

A. LEO SERENI,  
*President Judge*

[Pa.B. Doc. No. 97-504. Filed for public inspection April 4, 1997, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 13—COMMERCE AND TRADE

### DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

[13 PA. CODE CH. 57]

#### Private Activity Bonds—Allocation

The Department of Community and Economic Development (Department) amends § 57.1 (relating to allocations) to read as set forth in Annex A. The section is amended under authority of section 7(4) of the Tax-Exempt Bond Allocation Act (act) (73 P.S. § 397.7(4)).

#### *Background*

The Federal Internal Revenue Code of 1986 (IRC) imposes a State ceiling on the aggregate amount of private activity bonds that may be issued in each calendar year by or on behalf of the Commonwealth and its political subdivisions.

The General Assembly adopted the act in 1985 to provide for the allocation of the State ceiling. Section 7(4) of the act authorizes the Secretary of Community and Economic Development to promulgate regulations as may be necessary to carry out the purposes set forth in the act.

This amendment provides for the 1997 allocation of the State ceiling. The amendments are needed because the current regulations provide allocations only for calendar year 1996.

#### *Amendment*

Section 57.1 is amended to establish the private activity bond allocations for calendar year 1997.

#### *Notice*

Notice of proposed rulemaking has been omitted under section 204(3) of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. § 1204) (CDL), which specifies that a regulation may be adopted without notice of proposed rulemaking if proposed rulemaking procedures are in the circumstances impracticable, unnecessary or contrary to the public interest. The proposed rulemaking procedures are unnecessary, since the amendment simply establishes the private activity bond allocations for calendar year 1997. Since the allocations are made under the formula set forth in the act, public comments will have no impact upon the allocation.

#### *Fiscal Impact*

This amendment has no fiscal impact on the Commonwealth, political subdivisions or the public. This amendment does not affect the total dollar amount of private activity bonds, as these ceilings are determined by Federal law. No Commonwealth funds are involved in the issuance of private activity bonds. Costs of bond issuance are paid for by bond proceeds or through funds of the issuer or borrower. This amendment will result in the use of private activity bonds to their maximum benefit, thereby increasing available resources.

#### *Paperwork Requirements*

Additional paperwork requirements are not imposed as a result of this amendment.

#### *Regulatory Review*

Under section 5(f) of the Regulatory Review Act (71 P.S. § 745.5(f)), on March 3, 1997, the Department submitted a copy of this amendment with proposed rulemaking omitted to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Commerce and Economic Development Committee and the Senate Community and Economic Development Committee. On the same date, the amendment was submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P.S. §§ 732-101—732-506). In accordance with section 5(c) of the Regulatory Review Act, this amendment was deemed approved by the House Committee on March 23, 1997, and was deemed approved by the Senate Committee on March 23, 1997. IRRC approved the amendment on March 20, 1997.

#### *Contact Person*

For further information regarding the amendment, contact Jill Busch, Deputy Chief Counsel, Office of Chief Counsel, Department of Community and Economic Development, Room 530 Forum Building, Harrisburg, PA 17120, (717) 783-8452.

#### *Findings*

The Department finds that:

(1) The proposed rulemaking procedures in sections 201 and 202 of the CDL (45 P.S. §§ 1201 and 1202) are unnecessary, since the amendment simply establishes the private activity bond allocations for calendar year 1997. Since the allocations are made under the formula set forth in the act, public comments will have no impact upon the allocation.

(2) Public notice of intention to adopt the amendment has been omitted under section 204 of the CDL and the regulation thereunder, 1 Pa. Code § 7.4.

(3) Delay in implementing the amendment will have a serious adverse impact on the public interest.

#### *Order*

The Department, acting under the authorizing statute, orders that:

(a) The regulations of the Department, 13 Pa. Code Chapter 57, are amended by amending § 57.1 to read as set forth in Annex A.

(b) The Secretary of the Department shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for approval as to form and legality as required by law.

(c) The Secretary of the Department shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

THOMAS B. HAGEN,  
*Secretary*

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 27 Pa.B. 1705 (April 5, 1997).)

**Fiscal Note:** 4-61. No fiscal impact; (8) recommends adoption.

## Annex A

**TITLE 13. COMMERCE AND TRADE**  
**PART I. DEPARTMENT OF COMMUNITY**  
**AND ECONOMIC DEVELOPMENT**  
**CHAPTER 57. PRIVATE ACTIVITY**  
**BONDS—ALLOCATION**

**§ 57.1. Allocations.**

(a) *Authority for allocations.* The State unified volume cap for the issuance of qualified private activity bonds provided by section 146(d) of the Internal Revenue Code (26 U.S.C.A. § 146(d)) for calendar year 1997 will be allocated utilizing the authority provided by section 146(e) of the Internal Revenue Code and section 7(4) of the Tax-Exempt Bond Allocation Act (73 P. S. § 397.7(4)) in the manner provided by this chapter.

(b) *Housing related bonds.* An amount equal to \$175 million will be allocated for housing related bonds, including qualified residential rental projects and qualified mortgage bonds as defined by sections 142(d) and 143(a) of the Internal Revenue Code (26 U.S.C.A. §§ 142(d) and 143(a)). Requests to apply the housing related bond allocation to specific projects or uses, including mortgage credit certificate programs, will be reviewed and may be approved or disapproved by the Board of the Housing Finance Agency. Applications for housing related bond allocations shall be made to the Executive Director of the Housing Finance Agency.

(c) *Qualified student loan bonds.* No amount will be allocated to the Higher Education Assistance Agency for qualified student loan bonds provided by section 144(b) of the Internal Revenue Code (26 U.S.C.A. § 144(b)).

(d) *Qualified small issue bonds.*

(1) An amount equal to \$152.8 million will be allocated for qualified small issue bonds under section 144(a) of the Internal Revenue Code. Of this amount, \$26.8 million will be used to allocate \$400,000 to each county. The remaining \$126 million will be allocated among the counties in accordance with the following formula:

(i) The Secretary will determine the ratio of the county's total 1995 and 1996 allocation usage to the sum of every county's 1995 and 1996 allocation usage.

(ii) The Secretary will multiply the ratio determined in subparagraph (i) by \$126 million.

(2) Requests to apply this allocation to specific projects or uses will be reviewed and may be approved or disapproved by the Secretary. Applications for allocations shall be made to the Bonds Office in the Department. The Secretary will provide allocations for qualified small issue bonds utilizing the procedures and subject to the requirements imposed by § 55.6 (relating to allocation procedures).

(e) *Other qualified private activity bonds.* An amount equal to \$225 million will be allocated to other qualified private activity bonds, including qualified redevelopment bonds as defined by section 144(c) of the Internal Revenue Code, exempt facility bonds as defined by section 142 (excluding section 142(d)) of the Internal Revenue Code, and enterprise zone bonds as defined by section 1394 of the Internal Revenue Code, all of which are subject to the unified volume cap provided by section 146 of the Internal Revenue Code (26 U.S.C.A. § 1394). Requests to apply this allocation to specific projects or uses will be reviewed and may be approved or disapproved by the Secretary. Applications for allocations shall be made to the Bonds Office in the Department. The

Secretary will provide allocations for qualified private activity bonds utilizing the procedures and subject to the requirements imposed by § 57.3 (relating to procedures). An allotment of at least 25% of the total amount for other qualified private activity bonds is reserved for solid waste disposal projects.

(f) *Special allocation pool.* The Secretary may utilize not more than \$50 million for a special allocation pool for projects which require more bond authority than a given county currently has available to it. To qualify for consideration to use this pool, local issuing authorities shall demonstrate to the Secretary's satisfaction that they have acted responsibly in selecting projects which maximize long-term net new job creation, consistent with the intent of the Tax-Exempt Bond Allocation Act (73 P. S. §§ 397.1—397.8). Decisions regarding use of the special allocation pool for small issue purposes will be based upon the characteristics and merits of individual projects proposed, and upon the record of the issuing authority in utilizing industrial development financing to create or retain jobs. A project may be considered if the entire allocation for the county in which the project is proposed has been obligated. In determining approval or disapproval of allocation requests from this pool, the Secretary will consider the following:

- (1) The amount of the allocation available.
- (2) The size of the project.
- (3) The level of economic distress.
- (4) The number of net new jobs to be created.
- (5) The ability to undertake the project without approval.
- (6) The amount of private funds leveraged.
- (7) The project's consistency with the economic development plans of the Commonwealth and of municipalities and regions.
- (8) The date the bonds are to be issued.

[Pa.B. Doc. No. 97-505. Filed for public inspection April 4, 1997, 9:00 a.m.]

## Title 58—RECREATION

### GAME COMMISSION

#### [58 PA. CODE CH. 135]

#### Lands and Buildings

#### 1. Introduction

During meetings held between representatives of the Game Commission (Commission) and representatives of organizations of sportsmen with disabilities (Sportsmen), Sportsmen requested changes to Commission regulations relating to persons with disabilities access to State game lands. After careful staff consideration of these requests, Commission, at its October 8, 1996, meeting, proposed and at its January 14, 1997, meeting finally adopted an amendment to § 135.2 (relating to unlawful acts on State game lands), to permit additional access for sportsmen permanently confined to wheelchairs. This change is adopted under the authority contained in section 721(a) of the Game and Wildlife Code (relating to control of property) (code) and is consistent with the spirit of Title II of the Federal Americans with Disabilities Act.

## 2. Purpose and Authority

As was indicated in the introduction, representatives of the Commission are regularly meeting with representatives of groups of sportsmen with disabilities to discuss matters of mutual concern. During one meeting, a request was made to allow wheelchairs on State game lands. After staff consideration, it was decided that individuals permanently confined to wheelchairs could be permitted on game lands in electric wheelchairs without excessive damage to wildlife and wildlife habitat.

Section 721(a) of the code authorizes the Commission to promulgate regulations necessary to properly manage lands under its control. Section 2923 of the code (relating to disabled person permits) provides for disabled person permits and allows individuals holding these permits to hunt from a vehicle.

## 3. Regulatory Requirements

This change relaxes current restrictions. Individuals taking advantage of this change must be permanently confined to a wheelchair and may use an electric powered wheelchair.

## 4. Persons Affected

Individuals permanently confined to wheelchairs will be affected by the change.

## 5. Comments and Response Summary

The amendment was proposed at 26 Pa.B. 5442 (November 9, 1996). No written comments were received and the amendment is adopted as proposed.

## 6. Cost and Paperwork Requirements

This change does not involve any additional cost or paperwork.

## 7. Effective Dates

This change takes effect on final adoption and publication in the *Pennsylvania Bulletin* and remains in effect until changed by the Commission.

## 8. Contact Person

For further information on the change, contact James R. Fagan, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797 (717) 783-6526.

## Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendment adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of the amendment by the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

## Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 135, are amended by amending § 135.2 to read as set forth at 26 Pa.B. 5442.

(b) The Executive Director of the Commission shall submit this order and 26 Pa.B. 5442 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order amending § 135.2 shall become effective upon final publication in the *Pennsylvania Bulletin*.

DONALD C. MADL,  
Executive Director

(*Editor's Note:* A proposal to amend § 141.25 (relating to early and late goose hunting seasons), included in the proposal at 26 Pa.B. 5442, was adopted at 27 Pa.B. 313 (January 18, 1997).)

**Fiscal Note:** 48-95B. No fiscal impact; recommends adoption.

[Pa.B. Doc. No. 97-506. Filed for public inspection April 4, 1997, 9:00 a.m.]

# PROPOSED RULEMAKING

## DEPARTMENT OF EDUCATION

### [22 PA. CODE CH. 101] Private Driver Training Schools

The Department of Education (Department) proposes to amend Chapter 101 (relating to private driver training schools) which relates to the licensure and registration of schools which train individuals to drive a motor vehicle, to read as set forth at Annex A. The proposed amendments are made under the authority of the act of January 18, 1952 (1951) (P. L. 2128, No. 605) (24 P. S. §§ 2831—2931) (act).

#### *Purpose*

The proposed amendments will provide an updated set of regulations for private driver training schools. The existing regulations in Chapter 101 were adopted at 1 Pa.B. 21 (June 1, 1970) and have never been revised. Because the proposed updating and reorganization of this chapter is substantial, the existing text is totally repealed and replaced with new provisions.

These amendments will assure the public that licensed driving schools meet specific standards in regards to employ qualifications, facilities and vehicles used in the training process. Parents and guardians will be assured that new teachers and agents have Criminal History Background Checks and Child Abuse History Clearances. These amendments will help assure the safety of children while receiving driver education instruction from a private driver training school.

#### *Requirements of the Proposal*

School plant, facility and equipment requirements are defined. An application process to be licensed to operate a driving school or to be an agent for a driving school is provided. A yearly renewal process is also provided.

The proposed amendments will create a time limit of 10 years for driving schools to maintain the cumulative record for students. Existing regulations place no limit on the time for student records to be kept by the driving school.

Driving schools are given direction concerning advertising and special inducements. These proposed amendments permit driving schools to advertise that they are licensed by the Department for the classroom or for behind-the-wheel instruction.

The application process also provides a method for professional staff to become employed by driving schools. These proposed amendments will require new professional staff to acquire a criminal history background check and a Pennsylvania Child Abuse Clearance prior to being employed by a driving school. These proposed amendments will provide for a waiver of the written and practical examination of teacher applicants who are Pennsylvania certified teachers in driver and safety education. The proposed amendments will enable driving school teachers to be employed by more than one driving school at the same time.

Higher standards are required to open a driving school. A minimum of 2 years of successful driver education teaching experience is required of the owner or director of

a new driving school. Previously, an individual could open a driving school without any prior teaching experience in driver education by the owner or any staff member.

Vehicles are required to be no more than 5 years of age unless they have less than 50,000 original miles. In addition, certificates of insurance must be filed with the Department for each vehicle that is used in practical driver training, showing the minimum insurance coverage of \$50,000/100,000, public liability; \$5,000 property damage; and \$5,000 for medical payments.

The proposed amendments will require that instructional outlines, for theoretical and practical instruction, be submitted to the Department. The outlines must meet, at a minimum, the requirements as listed in the act.

#### *Affected Parties*

The proposed changes will affect licensed private driver training schools, students at those schools, driving school teachers, agents, directors, owners, the Department and the Department of Transportation.

#### *Cost and Paperwork Estimates*

It is estimated that the cost for background checks and clearances for 150 licensed driving schools will total \$3,000 per year. There will be no new legal, accounting or consulting procedures for local governments; therefore, there are no additional costs for local governments.

The Department and the Department of Transportation will actually see a savings in the amount of time administering the teacher examinations since teachers who are certified in driver and safety education will be exempted from taking the examinations. However, the additional time involved in processing background checks and clearances will offset the time saved in testing. As a result, there will be no additional costs or savings associated with the implementation of these proposed amendments.

#### *Effective Date*

These proposed amendments will become effective upon final publication in the *Pennsylvania Bulletin*.

#### *Sunset Date*

These proposed amendments will be reviewed every 3 years from the final publication date.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 26, 1997, the Department submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Committees on Education. In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees, with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1. A copy of this material is available to the public upon request.

If the Committees have objections to any portion of the proposed amendments, they will notify the Department within 20 days of the close of the public comment period. If IRRC has objections to any portion of the proposed amendments, it will notify the Department within 30 days of the close of the public comment period. The notification shall specify the regulatory review criteria that have not been met by that portion. The Regulatory Review Act specifies detailed procedures for the Depart-

ment, the Governor and the General Assembly to review these objections before final publication of the amendments.

#### *Public Comments and Contact Person*

Interested persons are invited to submit written comments, suggestions or objections regarding this proposal to Robert E. Roush, Jr., School Safety Education Advisor, Department of Education, 333 Market Street, Harrisburg, PA 17126-0333 within 30 days following publication in the *Pennsylvania Bulletin*, (717) 783-6595.

EUGENE W. HICKOK,  
*Secretary*

**Fiscal Note:** 6-257. No fiscal impact; (8) recommends adoption.

(*Editor's Note:* As part of this regulatory proposal, the Department is proposing to delete the existing text of §§ 101.1—101.3, 101.11—101.18, 101.21—101.25, 101.31—101.36, 101.41—101.46, 101.51—101.55, 101.61—101.64, 101.71—101.76, 101.81 and 101.91—101.93, which appears at 22 Pa. Code pages 293—307, serial pages (3217)—(3231).

The following text is new. It has been printed in regular type to enhance readability.)

### **Annex A**

## **TITLE 22. EDUCATION**

### **PART VI. BUREAU OF PRIVATE SCHOOLS AND VETERANS EDUCATION**

### **CHAPTER 101. PRIVATE DRIVER TRAINING SCHOOLS**

#### **PRELIMINARY PROVISIONS**

Sec.

- 101.101. Definitions.
- 101.102. Laws applicable to private driver training schools.
- 101.103. Correspondence.
- 101.104. Records.
- 101.105. Advertising.

#### **APPLICATIONS FOR SCHOOL LICENSING**

- 101.111. Application forms.
- 101.112. Additional application materials.
- 101.113. Certification under the Fictitious Names Act.
- 101.114. Fees.
- 101.115. Changes in applications or school information.
- 101.116. Lost or destroyed licenses.
- 101.117. School license renewal applications.

#### **SCHOOL PLANT**

- 101.131. School licenses.
- 101.132. Prohibited locations.
- 101.133. Fire regulations.
- 101.134. Space allotment of indoor instruction areas.
- 101.135. Classroom equipment.
- 101.136. Lighting and seating arrangements.
- 101.137. Lavatory facilities.

#### **PROFESSIONAL STAFF**

- 101.141. Professional staff applications.
- 101.142. Additional staff application materials.
- 101.143. Driving records.
- 101.144. Directors; experience.
- 101.145. Foreign agents.
- 101.146. Incomplete applications.

#### **APPLICANT EXAMINATIONS**

- 101.151. Prerequisite evidence.
- 101.152. Opportunities to pass.
- 101.153. Locations.
- 101.154. Identification cards.
- 101.155. Lost or destroyed identification cards.
- 101.156. Loss of operating privilege.
- 101.157. Time limits.

#### **REEMPLOYMENT**

- 101.161. Reemployment within 12 months.
- 101.162. Reemployment after 12 months.
- 101.163. Notice of employment.
- 101.164. Termination of employment.

#### **VEHICLES AND INSURANCE**

- 101.171. Insurance coverage for vehicles.
- 101.172. Vehicle identification.
- 101.173. Age of vehicles.
- 101.174. Changes or additions to the fleet.

#### **PROGRAM OF INSTRUCTION**

- 101.181. Outlines to Department.

### **PRELIMINARY PROVISIONS**

#### **§ 101.101. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Act*—The act of January 18, 1952 (1951) (P. L. 2128, No. 605) (24 P. S. §§ 2831—2931), known as the Private Driver Education or Training School Act.

*Agent*—A person, whether employed by a private driver education or training school or operating in his own behalf, or whether acting in behalf of a school located within or outside of this Commonwealth, who personally solicits an individual within this Commonwealth to enroll in a school.

*Department*—The Department of Education of the Commonwealth.

*Director*—The supervisor or director of a private driver education or training school.

*Identification card*—A card issued by the Department to a private driver education or training school for a teacher employed by the school.

*Location*—Either the business address for a specific licensed private driver education or training school or the address of the site of the school's theoretical or classroom driver training area.

*Owner*—A person or business entity which owns a private driver education or training school but does not necessarily oversee the daily operation thereof.

*Professional staff member*—An agent, teacher or director of a private driver education or training school.

*School*—A private driver education or training school.

*Teacher*—A person who provides classroom instruction or practical behind-the-wheel instruction.

*Vehicle*—A car or truck weighing up to 11,000 pounds.

#### **§ 101.102. Laws applicable to private driver training schools.**

In addition to the act, the following apply to private driver training schools:

(1) *Fictitious Names Act.* Title 54 of the *Pennsylvania Consolidated Statutes* §§ 301—322 states that an entity which either alone or in combination with another entity conducts business in this Commonwealth under or through a fictitious name shall register the fictitious name by filing an application for the registration of a fictitious name with the Department of State.

(2) *Untrue, false and misleading advertising.* Title 18 of the *Pennsylvania Consolidated Statutes* § 4107 provides that it is unlawful for a person to make, in the course of business, a false statement in an advertisement for the purpose of promoting the purchase or sale of property or services.



(3) *Restraint of unlicensed activities.* The act of April 18, 1949 (P. L. 492, No. 106) (71 P. S. § 1036.1) authorizes the Department to prohibit and restrain an unlicensed person, association, copartnership or corporation from engaging in any activity for which a license is required or issued.

(4) *Cancellation of licenses.* Section 811 of The Administrative Code of 1929 (71 P. S. § 279.2) authorizes the cancellation of a certificate, license, permit or registration obtained through fraud or misrepresentation.

(5) *Fire and panic regulations.* The fire and panic regulations are drafted in accordance with duties imposed on the Department of Labor and Industry by the act of April 27, 1927 (P. L. 465) (35 P. S. §§ 1221—1235.1) and pertain to Class I buildings, as well as private schools located in places other than Philadelphia, Pittsburgh and Scranton.

#### **§ 101.103. Correspondence.**

(a) Inquiries and correspondence shall be directed to Private Driver Training Schools, Department of Education, 333 Market Street, Harrisburg, Pennsylvania 17126-0333.

(b) The Department will assist persons in meeting the requirements which underlie school and agent licensure and relicensure.

#### **§ 101.104. Records.**

Every school shall maintain adequate records of students, and shall maintain a permanent cumulative record for 10 years after the student completes driver training. The cumulative record shall include the number of clock hours of instruction received by each student, and shall contain information on attendance, test scores, personal characteristics, health and other information deemed pertinent by the school. The records shall be current and available for inspection by representatives of the Department during regular school hours.

#### **§ 101.105. Advertising.**

Licensed schools may advertise as "licensed for classroom by the Pennsylvania Department of Education" or "licensed for behind-the-wheel instruction by the Pennsylvania Department of Education."

### **APPLICATIONS FOR SCHOOL LICENSING**

#### **§ 101.111. Application forms.**

(a) Applications for licenses to conduct schools shall be made on forms furnished by the Department.

(b) Applicants for school licenses shall certify through completion of the self-authenticating document provided by the Department their compliance with the provisions of the act.

(c) Applications shall be accompanied by a sworn affidavit certifying the truth of the statements made in the application. Applications may not be submitted to the Department by facsimile because of the required notary public certification.

(d) The Department will provide its approval of applications by either mail or facsimile.

#### **§ 101.112. Additional application materials.**

At the time of application, the following materials shall also be submitted:

(1) For each individual proprietor of a school, each member of a partnership, association or company that owns a school, and each officer and director of a corpora-

tion that owns a school, who is directly connected with the conduct and operation of the education program:

(i) A statement certifying that the applicant is of good moral character and at least 18 years of age.

(ii) A list of names, addresses and telephone numbers of three persons serving as character references and three persons serving as credit references, none of whom are related to the applicant or are in any way connected with the school.

(2) A statement certifying that persons employed by or directly connected with the conduct and operation of schools are not addicted to the use of alcoholic liquors, morphine, cocaine or other drugs having a similar effect.

#### **§ 101.113. Certification under the Fictitious Names Act.**

(a) Applicants for licenses who are incorporated or subject to 54 Pa.C.S. Chapter 3 (relating to Fictitious Names Act) shall attach to the application a statement or certification from the Department of State verifying that the applicant has complied with the applicable statute.

(b) The application shall be filed under the fictitious name of the school with the individual, partnership or corporate name added thereto.

#### **§ 101.114. Fees.**

(a) *Amount of license fees.* The amount of license fees and renewal license fees is established by section 606-A of The Administrative Code of 1929 (71 P. S. § 240.6A).

(b) *Method of payment.* The license fees and renewal fees shall be paid by money order or by check, payable to the Pennsylvania Department of Revenue and shall be attached to the application for a license or renewal license.

#### **§ 101.115. Changes in applications or school information.**

(a) If changes occur in the facts set forth in an original application for licensure, an application for relicensure or subsequent or supplemental information shall be filed with the Department, and shall be approved prior to the date the changes go into effect.

(b) The Department will accept changes in applications in person, by mail or by facsimile.

(c) A school wishing to change its location or the location of a practice driver training area shall notify the Department in writing or by facsimile prior to the actual change.

(d) A change in a school's location or a change of address of the residence of an owner, director, teacher or agent shall be filed with the Department by mail or by facsimile prior to the actual change.

#### **§ 101.116. Lost or destroyed licenses.**

If a license is lost, mutilated or destroyed, the Department will replace the license without charge. To obtain a replacement, the school shall surrender a mutilated license or attest by affidavit that the license was lost or destroyed.

#### **§ 101.117. School license renewal applications.**

(a) License renewal shall be made on applications furnished by the Department.

(b) Applications for license renewal shall be filed with the Department on or before April 30 of each year. Applications filed after this date may result in issuance of licenses or teacher identification cards after June 30.

(c) Incomplete applications for license renewal may be returned to the school. License renewal may be delayed or denied when the full information requested is not supplied.

### SCHOOL PLANT

#### § 101.131. School licenses.

Applicants for school licenses shall certify through completion of the self-authenticating document issued by the Department compliance with section 4(1)(a)(i) and (ii) of the act (24 P. S. § 2834(1)(a)(i) and (ii)).

#### § 101.132. Prohibited locations.

(a) Only one school may be licensed for a particular location.

(b) Public school buildings will not be approved as the primary licensed classroom site for private driver training schools.

#### § 101.133. Fire regulations.

(a) Indoor instruction areas shall be approved by the Department of Labor and Industry in accordance with the fire and panic regulations cited in § 101.102(5) (relating to laws applicable to private driver training schools). Each applicant for a school license and each applicant for a change of location of the indoor instructional area shall submit a statement or certificate from the proper authority certifying that the indoor instructional area has been approved.

(b) The indoor instructional areas of schools located in Philadelphia, Pittsburgh and Scranton, if occupied by five or more students at the same time, shall be approved from the standpoint of public safety by the respective fire marshal or other officers having jurisdiction.

#### § 101.134. Space allotment of indoor instruction areas.

The indoor area used for the theoretical instruction of a group of five or more students shall provide a minimum of 15 square feet of floor area per student and 120 cubic feet of air space per pupil.

#### § 101.135. Classroom equipment.

Applicants or licensees offering indoor group theoretical instruction to five or more students shall provide in each classroom the following items:

(1) A desk or an equivalent work station and a chair for each student in attendance.

(2) A writing board containing an area of at least 24 square feet.

#### § 101.136. Lighting and seating arrangements.

Schools or licensees may not use a seating plan or arrangement in the indoor instructional areas which faces the students toward the source of natural or artificial illumination.

#### § 101.137. Lavatory facilities.

Schools offering theoretical instruction to a group of five or more students shall provide lavatory and toilet facilities which meet State or local requirements.

### PROFESSIONAL STAFF

#### § 101.141. Professional staff applications.

(a) Professional staff members who are initially employed by a school, or who were employed by one school and obtain employment at another school after \_\_\_\_\_ (Editor's Note: The blank refers to the effective date of

the adoption of this proposal.) shall submit applications for approval to the Department upon the forms provided by the Department.

(b) Applications of teachers and directors shall serve as application for the written theoretical and practical examinations.

(c) Persons who hold a valid Pennsylvania Teaching Certificate, with certification in Driver and Safety Education, will be exempted from the theoretical and practical examinations. Exempted persons shall apply for and obtain valid teacher identification cards from the Department prior to being employed by private driver training schools. Persons desiring to teach driver education for a fee shall apply for private driver training school licenses and teacher identification cards.

#### § 101.142. Additional staff application materials.

Professional staff members shall submit the following to the Department with the administrative and instructional staff application:

(1) A statement certifying that he is of good moral character, a citizen of the United States and at least 18 years of age.

(2) A list of the names, addresses and telephone numbers of three persons serving as character references, none of whom are related to the applicant or are in any way connected with the school in which the applicant is seeking employment.

(3) Criminal history background checks which comply with section 111 of the Public School Code of 1949 (24 P. S. § 1-111), known as Act 34 of 1985 and §§ 8.1—8.4 (relating to criminal history background checks).

(4) Official clearance statements which comply with 23 Pa.C.S. §§ 6354—6358) (relating to background checks for employment in schools).

#### § 101.143. Driving records.

The following information shall also be submitted at the time of the staff application:

(1) *Driving experience.* By one of the following methods, teachers and directors shall produce evidence that they have driven a minimum of 15,000 miles as licensed operators, under all kinds of weather conditions in both urban and rural areas:

(i) Submission of statements from previous or current employers, in affidavit form, that attest to the specified requirements.

(ii) Certification on their own behalf, if never employed to operate a motor vehicle, attesting to the specified requirements.

(iii) Combining statements from previous or current employers, in affidavit form, with a certification made in their own behalf, all of which together attest to the specified requirements.

(2) *Accidents.* Teachers and directors shall provide 3-year driving abstracts obtained from the Bureau of Driver Licensing, Department of Transportation. The abstracts shall establish that they have not had more than one reportable accident resulting in a suspension or revocation of their motor vehicle operator's license during the 3-year period preceding the date of their application for approval for instructional service. A "reportable accident" means an accident involving the injury or death of a person, or damage to a vehicle to the extent that it cannot be driven in a customary manner under its own power

without further damage or hazard to the vehicle, to other traffic elements, or to the roadway, and therefore requires towing.

**§ 101.144. Directors; experience.**

Private driver training school owners or directors shall submit documentary evidence of a minimum of 2 years of successful driver education teaching experience in a private driver training school, private high school or public high school. The documentary evidence shall set forth the names of the schools or classes and the place, dates and length of instructional service, including a statement from the official head of the school or class certifying that the teaching experience was successful and attesting to the place, dates and length of that service.

**§ 101.145. Foreign agents.**

Individuals who act as agents representing schools located outside this Commonwealth shall, in addition to the professional staff application, provide evidence clearly demonstrating that the owner of their school has fulfilled the statutory requirements of the Commonwealth relating to the registration of fictitious names, foreign corporations and business activities carried on in this Commonwealth by persons having commercial headquarters elsewhere.

**§ 101.146. Incomplete applications.**

Prior to the day on which applicants are scheduled for examination, they shall file with the Department completed school staff applications together with the required lists of three references and the 3-year driving abstracts. Failure to do so will preclude applicants from taking the examination.

**APPLICANT EXAMINATIONS**

**§ 101.151. Prerequisite evidence.**

To qualify as a teacher in a private driver training school, an applicant shall successfully complete written and practical examinations. Prior to testing, an applicant shall obtain a valid Pennsylvania class A, B or C driver's license, file a completed school staff application with the Department and submit written evidence that the applicant has done one of the following:

- (1) Secured employment in an established, licensed private driver training school.
- (2) Filed an application for a license to conduct a private driver training school.
- (3) Is a prospective employe of a school not yet licensed but whose application for an original license has been properly filed with the Department.

**§ 101.152. Opportunities to pass.**

For each original staff application filed with the Department, the applicant will be granted three opportunities to pass the written examination and three opportunities to pass the practical examination after passing the written examination.

**§ 101.153. Locations.**

Examinations shall be given at various stipulated locations throughout this Commonwealth. Times and places may be ascertained by contacting the Department.

**§ 101.154. Identification cards.**

(a) After applicants have passed the written and practical examinations, the Department will issue a valid identification card to the school for each teacher. An Instructor's Examination Permit bearing the stamp of the

Department of Transportation may serve as a temporary identification card for 45 days from the date that the driving examination was passed.

(b) A teacher shall hold a valid identification card made out in the name of the school employing the teacher and issued to that school by the Department.

(c) Teachers or directors who give practical driver training shall carry their identification cards on their persons.

(d) Upon terminating of a teacher's employment, the school shall file a termination of employment form and return the teacher identification card to the Department.

(e) To teach classroom or behind-the-wheel instruction for more than one private driver training school, teachers shall obtain separate identification cards from the Department by completing the proper applications.

**§ 101.155. Lost or destroyed identification cards.**

If an identification card is lost, mutilated or destroyed, the Department will replace the card without charge. To receive replacements for lost, stolen or destroyed identification cards, the teacher shall surrender the mutilated identification card or attest by affidavit that it was lost or destroyed.

**§ 101.156. Loss of operating privilege.**

Teachers who lose their privilege to operate motor vehicles in this Commonwealth shall immediately surrender their identification cards to the Department. The teachers shall also give written notification to their employers and to the Department of the violations and all pertinent facts, and the dates upon which behind-the-wheel instructional activities ceased.

**§ 101.157. Time limits.**

Applications for teacher identification cards and vehicle identification cards filed after April 30 will be valid until June 30 of the following year.

**REEMPLOYMENT**

**§ 101.161. Reemployment within 12 months.**

Teachers changing employment to another school within 12 months of employment shall complete instructional staff applications and submit criminal history background checks to secure valid identification cards.

**§ 101.162. Reemployment after 12 months.**

When a continuous period of 12 months or more has elapsed without employment as a driver training teacher, the applicant shall comply with §§ 101.141—101.143 (relating to professional staff applications; additional staff application materials; and driving records).

**§ 101.163. Notice of employment.**

Schools, upon the employment of new teachers or the reinstatement of former employes, shall immediately notify the Department of the dates that the employes were employed.

**§ 101.164. Termination of employment.**

Schools shall immediately notify the Department upon the termination of employment of teachers, stating the starting dates of employment and the termination dates. This information is to be supplied on the forms provided by the Department.

**VEHICLES AND INSURANCE****§ 101.171. Insurance coverage for vehicles.**

(a) Each school shall provide and maintain insurance on the vehicles used in practical driver training and file a current, valid certificate of insurance for each vehicle with the Department.

(b) The minimum required insurance coverage on each vehicle shall be: \$50,000—\$100,000, public liability; \$5,000, property damage; and \$5,000, medical payment.

(c) Certificates of insurance shall set forth the year, make, serial number of vehicle covered, the expiration date of the coverage and the amounts of medical payment, property damage and public liability coverage carried under that certificate.

(d) Licensees shall immediately notify the Department when any of the required insurance is cancelled.

**§ 101.172. Vehicle identification.**

Each vehicle used for practical driver training shall carry an identification card issued by the Department. It shall be affixed to the right sun visor or in a manner that makes the identification visible to the vehicle's occupants.

**§ 101.173. Age of vehicles.**

(a) Vehicles used for practical driver training may not be more than 5 years old or have more than 50,000 miles, whichever occurs later.

(b) The date appearing on the face of the original certificate of title shall be used as the date the vehicle was placed in service. Five years from that date will determine the permissible 5-year period.

(c) When an application for certificate of title for the vehicle is submitted to the Bureau of Motor Vehicles, Department of Transportation, the burden of proof regarding the age of the vehicle rests with the owner.

**§ 101.174. Changes or additions to the fleet.**

A school shall immediately report changes or additions to the teaching fleet to the Department prior to the vehicle being placed in service. Each vehicle added to the school fleet shall be registered with the Department by filing a current, valid insurance certificate containing the required information and an affidavit setting forth the year, make, serial number and registration plate of the new vehicle and the fact that the vehicle is equipped with:

- (1) An operable extra brake pedal and in the case of vehicles equipped with standard transmission, an operable extra clutch pedal.
- (2) Defroster and heater in working order.
- (3) A rear-view mirror placed on the inside of the car in the vicinity of the cowl.
- (4) Two outside rear-view mirrors, one on each side of the vehicle.
- (5) Cushions for the proper seating of the students.

**PROGRAM OF INSTRUCTION****§ 101.181. Outlines to Department.**

In addition to the requirements contained in §§ 101.111—101.115, applicants for an original license shall provide the Department with outlines for their theoretical and practical instruction in driver education.

The outlines shall, at a minimum, include the subject matter required by the act.

[Pa.B. Doc. No. 97-507. Filed for public inspection April 4, 1997, 9:00 a.m.]

## FISH AND BOAT COMMISSION

**[58 PA. CODE CH. 61]**

**Fishing**

The Fish and Boat Commission (Commission) proposes to amend Chapter 61 (relating to seasons, sizes and creel limits). The Commission is publishing this amendment as a notice of proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendment relates to fishing.

**A. Effective Date**

The proposed amendment will, if approved on final rulemaking, go into effect upon publication of an order adopting the regulation.

**B. Contact Person**

For further information on the proposed change, contact Laurie E. Shepler, Assistant Counsel (717) 657-4546, P. O. Box 67000, Harrisburg, PA 17106-7000.

**C. Statutory Authority**

This proposed amendment is published under the statutory authority of section 2102 of the code (relating to rules and regulations).

**D. Purpose and Background**

The proposed amendment is designed to update, modify and improve Commission regulations relating to fishing. The specific purpose for the amendment is described in more detail under the summary of proposal.

**E. Summary of Proposal**

The Commission has designated the Susquehanna River from Holtwood Dam upstream to the Fibrum Dam in Sunbury and the Juniata River from its Mouth upstream to Route 11/15 Bridge near Amity Hall as Big Bass Waters subject to § 65.9 (relating to big bass special regulations). This designation supersedes the general fishing regulations applicable to these waters found in § 61.7 (relating to Susquehanna River and tributaries). The Commission's Bureau of Law Enforcement has requested that the Commission amend § 61.7 to make it clear that the Big Bass regulations apply to the waters described in this section of the Preamble. This proposed change has no substantive impact; it merely ensures that the wording of the general regulation, § 61.7, is consistent with the special regulations already applicable to these waters. On March 11, 1997, the Commission, by notational vote, approved the publication of this notice of proposed rulemaking.

**F. Fiscal Impact**

The proposed amendment will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed amendment will impose no new costs on the private sector or the general public.

*G. Paperwork*

The proposed amendment will not increase paperwork and will create no new paperwork requirements.

Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

*H. Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about the proposed amendment to the Executive Director, Fish and Boat

PETER A. COLANGELO,  
*Executive Director*

**Fiscal Note:** 48A-67. No fiscal impact; (8) recommends adoption.

**Annex A****TITLE 58. RECREATION****PART II. FISH AND BOAT COMMISSION****Subpart B. FISHING****CHAPTER 61. SEASONS, SIZES AND CREEL LIMITS****§ 61.7. Susquehanna River and tributaries.**

\* \* \* \* \*

(d) The following seasons, sizes and creel limits apply to the Susquehanna River and its tributaries, including the Juniata River, the West Branch, "North Branch" and other tributaries within the Susquehanna River Basin, except the Conowingo Reservoir—see § 61.4 (relating to Conowingo Reservoir) **and except for waters subject to special regulations (see Chapter 65 (relating to special fishing regulations))**:

<i>Species</i>	<i>Seasons</i>	<i>Minimum Size</i>	<i>Daily Limit</i>
AMERICAN SHAD	Closed year-round	Closed	
[ BASS Largemouth Smallmouth Spotted ]	[ January 1 to first Saturday after April 11 and first Saturday after June 11 to December 31. ]	[ Upstream of Dock Street Dam ] [ 12 inches ]	[ Upstream of Dock Street Dam ] [ 6 (combined species) ]
		[ Dock Street Dam downstream to Holtwood Dam ] [ 15 inches ]	[ Dock Street Dam downstream to Holtwood Dam ] [ 4 (combined species) ]
BASS Largemouth Smallmouth Spotted	January 1 to first Saturday after April 11 and first Saturday after June 11 to December 31	Susquehanna River—Holtwood Dam to Fibrdam in Sunbury: Big Bass Regulations apply. See § 65.9	Big Bass Regulations apply. See § 65.9
BASS Largemouth Smallmouth Spotted	January 1 to first Saturday after April 11 and first Saturday after June 11 to December 31	Susquehanna River—Upstream of Fibrdam in Sunbury: 12 inches	6 (combined species)
BASS Largemouth Smallmouth Spotted	January 1 to first Saturday after April 11 and first Saturday after June 11 to December 31	Juniata River—Mouth upstream to Route 11/15 bridge near Amity Hall; and 18.5 mile section from the S. R. 0075 bridge at Port Royal downstream to Newport S. R. 0034 Bridge: Big Bass Regulations apply. See § 65.9	Big Bass Regulations apply. See § 65.9

<i>Species</i>	<i>Seasons</i>	<i>Minimum Size</i>	<i>Daily Limit</i>
<b>BASS Largemouth Smallmouth Spotted</b>	<b>January 1 to first Saturday after April 11 and first Saturday after June 11 to December 31</b>	<b>Juniata River—All areas except as described in this subsection: 12 inches</b>	<b>6 (combined species)</b>
OTHER SPECIES	Inland seasons, sizes and creel limits apply <b>except for waters under special regulations (See Chapter 65)</b> . See § 61.1 (relating to Commonwealth inland waters). For Conowingo Reservoir see § 61.4 (relating to Conowingo Reservoir).		

[Pa.B. Doc. No. 97-508. Filed for public inspection April 4, 1997, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

#### [4 PA. CODE CH. 9]

#### Reorganization of the Office of Administration

The Executive Board approved a reorganization of the Office of Administration effective March 19, 1997.

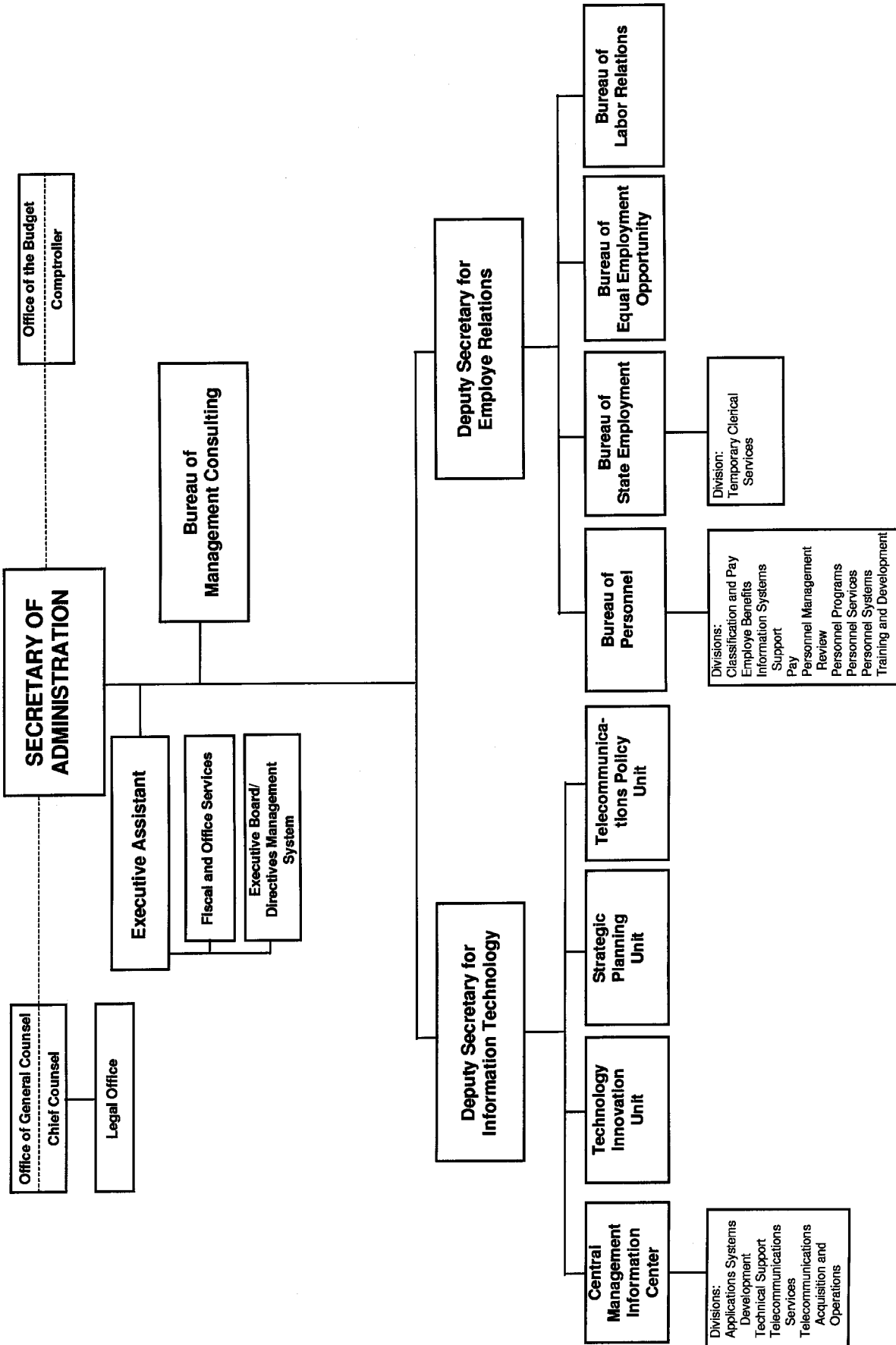
The following organization chart at 27 Pa.B. 1657 (April 5, 1997) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. The document meets the criteria of 45 Pa.C.S. § 702(7) as a document general and permanent in nature which shall be codified in the Pennsylvania Code).*

[Pa.B. Doc. No. 97-509. Filed for public inspection April 4, 1997, 9:00 a.m.]

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GOVERNOR'S OFFICE OF ADMINISTRATION





# Title 52—PUBLIC UTILITIES

## PENNSYLVANIA PUBLIC UTILITY COMMISSION [52 PA. CODE CH. 69]

[M-00960829]

### Public Input Hearings Rate Proceedings

The Pennsylvania Public Utility Commission (Commission) on July 18, 1996, adopted an order to renumber the statement of policy from its location at § 3.163 to the appropriate chapter of 52 Pa. Code along with other statements of policy in Chapter 69 (relating to general orders, policy statements and guidelines on fixed utilities). The contact person is Susan D. Colwell, Assistant Counsel, Law Bureau (717) 783-3459.

Public meeting held  
July 18, 1996

*Commissioners present:* John M. Quain, Chairperson; Lisa Crutchfield, Vice Chairperson; John Hanger; David W. Rolka; and Robert K. Bloom

### Order

*By the Commission:*

In docket number L-930076, we revised Chapters 1, 3 and 5 of 52 Pa. Code. During our study of the rules of practice and procedure, we noticed that a statement concerning our own policies regarding public input hearings in rate proceedings had been placed with the regulations we have implemented to guide the procedures of other parties appearing before us. We have taken advantage of the opportunity to remove the policy statement from its location at § 3.163 within the docket number updating those procedural regulations.

We believe, however, that the information contained within is too important to leave out altogether. Therefore, we are reaffirming our commitment to public input in rate proceedings by taking the text of the policy statement and placing it in Chapter 69 along with our other policy statements.

Only minor changes have been made to the text, reflecting the name change of the Consumer Services Bureau to the Bureau of Consumer Services, the addition of the Commission's Office of Trial Staff and the Office of Small Business Advocate by name in subsection (d)(3), and a grammatical change for easier understanding. Otherwise, our commitment to provide a forum for public input in rate cases remains unchanged.

Accordingly, under sections 501, 504—506, 1301 and 1501 of the Public Utility Code, 66 Pa.C.S. §§ 501, 504—506, 1301 and 1501, and the Commonwealth Documents Law (45 P.S. § 1201 et seq.), the Commission proposes the renumbering of the policy statement pertaining to public input hearings in rate cases as described above and set forth in Annex A,

*Therefore, It is Ordered That:*

1. The Commission's statements of policy, 52 Pa. Code Chapter 69, are amended by adding § 69.321 to read as set forth in Annex A.

2. The Secretary shall submit this order and Annex A to the Governor's Budget Office for review of fiscal impact.

3. The Secretary shall deposit this order and Annex A with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, and the statement of policy shall be effective upon publication.

JOHN G. ALFORD,  
*Secretary*

**Fiscal Note:** 57-182. No fiscal impact; (8) recommends adoption.

### Annex A

#### TITLE 52. PUBLIC UTILITIES

##### PART I. PUBLIC UTILITY COMMISSION

##### CHAPTER 69. GENERAL ORDERS, POLICY STATEMENTS AND GUIDELINES ON FIXED UTILITIES

##### PUBLIC INPUT HEARINGS IN RATE PROCEEDINGS

##### § 69.321. Public input hearings in rate proceedings—statement of policy.

(a) Prior to the holding of an initial hearing in a rate case, information received by the Commission indicating public concern shall be directed to the Bureau of Consumer Services of the Commission. This information will be made available to the Office of Administrative Law Judge.

(b) If the Commission determines that substantial public interest in a rate proceeding has been shown, at least one public input hearing will be held in the utility's service area.

(c) To allow an opportunity for the complete airing of concerns expressed or issues raised by consumers, public input sessions should be held as early as is practical during the course of the proceeding.

(d) At the start of each public input hearing, the presiding officer will provide a short, clear and specific statement describing the ratemaking process; the history of the particular case to date; future progress of the case; and an explanation of the following consumers' options at the hearing:

(1) To testify formally in the case, upon oath or affirmation, and be subject to cross-examination.

(2) To make unsworn or unaffirmed statements at the hearing. These statements may be "off the record" and will not be subject to cross-examination, will not be transcribed by the court stenographer and will not be considered by the presiding officer in the recommended decision.

(3) Not to testify at the public input session but to provide information to the Commission's Office of Trial Staff attorney assigned to the case, the Consumer Advocate and the Small Business Advocate for possible use by them in the hearings at their discretion.

(e) On-the-record testimony, to the extent it is relevant, material and competent, will be considered as evidence by the presiding officer and the Commission, subject to the customary rules of procedure and evidence.

(f) The presiding officer will make every attempt to give consumers full opportunity to provide input into the case.

(g) At least one representative from the Commission should be present at each public input session to deal

with individual service problems a consumer may have with the utility.

(h) Utilities will be encouraged to provide representatives to answer questions consumers may have with respect to the pending case.

(i) If the actions of a participant in a public input session are determined by the presiding officer to be obstructive to the orderly conduct of the proceedings and adverse to the public interest, the presiding officer may adjourn or continue the public input session.

[Pa.B. Doc. No. 97-510. Filed for public inspection April 4, 1997, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending March 25, 1997.

### BANKING INSTITUTIONS

#### New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-24-97	Northwest Interim Savings Bank I Warren Warren County  Interim savings bank being formed in connection with the "two-tier" reorganization of Northwest Savings Bank, Warren.	Warren	Approved

#### Conversions

<i>Date</i>	<i>Name of Institution</i>	<i>Location</i>	<i>Action</i>
3-21-97	Farmers Building and Loan Association Rochester Beaver County <i>To:</i> Farmers Building and Savings Bank Rochester Beaver County  Application represents conversion from a State-chartered mutual savings association to a State-chartered mutual savings bank.	Rochester	Filed

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-3-97	First Union National Bank, Avondale, and Centre Square Trust Company, Philadelphia surviving institution— First Union National Bank, Avondale	Avondale	Effective

#### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-3-97	Premier Bank Doylestown Bucks County	Southampton Shopping Center 516 Second Street Pike Southampton Bucks County	Opened
3-24-97	The Drovers & Mechanics Bank York York County	Intersection of I-83 and Route 851 Shrewsbury Township York County	Approved

#### Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-25-97	Johnstown Bank and Trust Company Johnstown Cambria County	<i>To:</i> Corner of Rambler Drive and Route 356 Sarver Butler County  <i>From:</i> 111 South Pike Road Sarver Butler County	Approved

**Articles of Amendment**

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
3-21-97	Public Savings Bank Bala Cynwyd Montgomery County	To provide for a change in the principal place of business <i>From:</i> 100 Presidential Boulevard, North, Bala Cynwyd, Montgomery County; <i>To:</i> 2300 Computer Avenue, Suite H-42, Willow Grove, Montgomery County	Approved and Effective

**SAVINGS ASSOCIATIONS****Branch Applications**

<i>Date</i>	<i>Name of Savings Association</i>	<i>Location</i>	<i>Action</i>
3-17-97	Slovenian Savings and Loan Association of Franklin-Conemaugh Conemaugh Cambria County	Riverside Shopping Center 1512 Jefferson Ave. Windber Somerset County	Opened

**Voluntary Liquidations**

<i>Date</i>	<i>Name of Savings Association</i>	<i>Action</i>
3-21-97	Progressive Building & Loan Association of Kennett Square Kennett Square Chester County	Certificate of Election for Voluntary Dissolution filed. Effective as of the close of business March 21, 1997.

**CREDIT UNIONS**

No activity.

RICHARD C. RISHEL,  
*Secretary*

[Pa.B. Doc. No. 97-511. Filed for public inspection April 4, 1997, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

**School-to-Work Challenge Grant Guidelines; Request for Proposals**

The School-to-Work Challenge Grant guidelines are available through the Office of School-to-Work Opportunities, Department of Education. These guidelines will provide funding under P. L. 103-239 to provide networking of technical assistance to STW local partnerships or replicate effective practice models which address access and participation of all youth.

Deadline for proposal submission is 1 p.m. on April 21, 1997. Guidelines can be requested by contacting the Office of School-to-Work Opportunities at (717) 772-4177.

EUGENE W. HICKOK, Jr.,  
*Secretary*

[Pa.B. Doc. No. 97-512. Filed for public inspection April 4, 1997, 9:00 a.m.]

**Work-Based Learning Youth Apprenticeship Funding Guidelines; Request for Proposals**

The Work-Based Learning Youth Apprenticeship Funding guidelines are available through the Office of School-to-Work Opportunities, Department of Education. These

guidelines will provide for funding as many as 12 sites/programs which develop and implement all aspects of the School-to-Work Opportunities Act's work-based learning component.

Proposals may be submitted by area vocational-technical schools and/or school districts in STW local partnerships.

Deadline for proposed submission is on April 21, 1997. Guidelines can be requested by contacting the Office of School-to-Work Opportunities at (717) 772-4177.

EUGENE W. HICKOK, Jr.,  
*Secretary*

[Pa.B. Doc. No. 97-513. Filed for public inspection April 4, 1997, 9:00 a.m.]

**Availability of 1997-1998 Competitive Funds under the Carl D. Perkins Vocational and Applied Technology Education Act**

Applications for FY 1997-98 Perkins Vocational and Applied Technology Education competitive funds are invited for the following two funding categories:

375—Single Parent/Displaced Homemaker Statewide Service Assistance

377—Sex Equity Statewide Service Assistance

1. *Eligibility Requirements*

LEA with dedicated space for office operations and resource room. The recipient will subcontract with hotels for lodging, food and meeting space. The recipient will coordinate four Statewide meetings for 30 people. The recipient will review and purchase materials for Statewide distribution and facilitate the lending of materials. Statewide travel is required.

#### 2. *Application Deadlines*

Applications are due May 5, 1997, by 4 p.m.

#### 3. *Application Forms and Guidelines*

Completion of applications requires the use of three references: general and categorical guidelines. Documents are available from Jerilynn Millvan, Division of Advisory and Approval Services, Bureau of Vocational-Technical Education, 333 Market Street, 6th Floor, Harrisburg, PA 17126-0333, telephone (717) 787-5293.

#### 4. *Completed Applications*

All completed applications should be mailed or delivered (not faxed) to the Division of Advisory and Approval Services.

#### 5. *Preproposal Workshops*

Project writers can obtain additional assistance by attending a preproposal workshop. The workshop will be held on April 22 at 8:30 a.m. in Heritage A, Lobby Level at PDE in Harrisburg.

EUGENE W. HICKOK,  
*Secretary*

[Pa.B. Doc. No. 97-514. Filed for public inspection April 4, 1997, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

### APPLICATIONS

### APPLICATIONS RECEIVED UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

#### [National Pollution Discharge Elimination System Program (NPDES)]

#### DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

#### (Part I Permits)

The following parties have applied for an NPDES permit to discharge controlled wastewaters into the surface waters of this Commonwealth. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection proposes to issue a permit to discharge, subject to certain effluent limitations and special conditions. These proposed determinations are tentative.

Where indicated, the EPA, Region III, Regional Administrator has waived the right to review or object to this proposed permit action under the waiver provision 40 CFR 123.6E.

Persons wishing to comment on the proposed permit are invited to submit a statement to the office noted above the application within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant.

Following the 30-day comment period, the Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The application and related documents, proposed effluent limitations and special conditions, comments received and other information are on file and may be inspected and arrangements made for copying at the office indicated above the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

#### **Applications for National Pollutant Discharge Elimination System (NPDES) Permit to discharge to State waters.**

*Southeast Regional Office: Regional Manager, Water Management, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, telephone (610) 832-6130.*

**PA 0054259.** Sewage, **Wasser Partners**, 404 Main Street, Pennsburg, PA 18073.

This application is for renewal of an NPDES permit to discharge treated sewage from a small flow sewage treatment plant in Upper Hanover Township, **Montgomery County**. This is an existing discharge to Macoby Creek Branch.

The receiving stream is classified for the following uses: warm water fishery, trout stocking fishery, high quality trout stocking fishery, high quality warm water fishery, high quality cold water fishery, exceptional value waters, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 400 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>		
(5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
Suspended Solids	10	20
Ammonia (as N)		
(5-1 to 10-31)	3.0	6.0
(11-1 to 4-30)	9.0	18.0
Total Residual Chlorine	monitor/report	monitor/report
Fecal Coliforms	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 3.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

**PA 0030023.** Sewage, **The Academy of the New Church**, 2815 Huntingdon Pike, Bryn Athyn, PA 19009.

This application is for renewal of an NPDES permit to discharge treated sewage from an STP serving the church, school and office building in Bryn Athyn Borough, **Montgomery County**. This is an existing discharge to an unnamed tributary to Huntingdon Valley Creek.

The discharge is to a dry swale, 1 mile above the confluence with a stream classified for the following uses: trout stocking fishery, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 65,000 gallons per day are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>		
(5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
Suspended Solids	10	20
Ammonia (as N)		
(5-1 to 10-31)	3	6
(11-1 to 4-30)	9	18
Total Residual Chlorine	0.8	1.87
Fecal Coliforms	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 5.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

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*Northwest Regional Office: Regional Manager, Water Management, 230 Chestnut Street, Meadville, PA 16335, telephone (814) 332-6942.*

**PA 0209872.** Sewage, **Arthur and Jane Eaton**, New Horizons Recycling, Box 19A and Route 18, Adamsville, PA 16110.

This application is for renewal of an NPDES permit, to discharge sewage to an unnamed tributary to Crooked Creek in Sugar Grove Township, **Mercer County**. This is an existing discharge.

The receiving water is classified for the following uses: trout stocked fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Greenville Municipal Water Authority on the Little Shenango River located at Greenville, approximately 3.4 miles below point of discharge.

The proposed discharge limits for Outfall No. 001, based on a design flow of 0.00045 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10		20
TSS	20		40
Fecal Coliforms (all year)	200/100 ml as a geometric average		
Total Residual Chlorine	XX		XX
pH	6.0—9.0 at all times		

XX = Monitor and Report on Annual Maintenance Report.

The EPA waiver is in effect.

*Northeast Region: Environmental Protection Manager, Water Management, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 826-2553.*

**PA 0062570.** Sewerage, **Covington Township Sewer Authority**, Box 266, Moscow, PA 18444.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into Roaring Brook Creek in Covington Township, **Lackawanna County**.

The receiving stream is classified for the following uses: cold water fishery, aquatic life, water supply and recreation.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply (PWS) considered during the evaluation is American Water Company, Elmhurst Reservoir on Roaring Brook Creek.

The proposed effluent limits for Outfall 001 based on a design flow of .2 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>7-day Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>			
(5-1 to 10-31)	15	25	30
(11-1 to 4-30)	25	37	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	2.5		5.0
(11-1 to 4-30)	7.5		15.0
Phosphorus as "P"	1	1.5	2
Dissolved Oxygen	a minimum of 6 mg/l at all times		
Fecal Coliforms			
(5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	2,000/100 ml as a geometric mean		
pH	6.0—9.0 standard units at all times		
Total Residual Chlorine	1		2.3

The EPA waiver is in effect.

**PA 0060267.** Sewerage, **N. Pocono School District**, Church Street, Moscow, PA 18444.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into an unnamed tributary to W. Branch of Wallenpaupack Creek in Jefferson Township, **Lackawanna County**.

The receiving stream is classified for the following uses: high quality, cold water, fishery, aquatic life, water supply and recreation.

Effluent requirements were evaluated at point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of .009 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>		
(5-1 to 10-31)	13	26
(11-1 to 4-30)	25	50
Total Suspended Solids	30	60
NH <sub>3</sub> -N		
(5-1 to 10-31)	1.5	3
(11-1 to 4-30)	4.5	9
Phosphorous as "P"	.5	1
Dissolved Oxygen	a minimum of 6 mg/l at all times	
Fecal Coliforms	200/100 ml as a geometric mean	
pH	6.0—9.0 standard units at all times	
Total Residual Chlorine	1.2	2.8

The EPA waiver is in effect.

**PA 0061123.** Sewerage, **Moscow Sewer Authority**, P. O. Box 525, Moscow, PA 18444.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into Roaring Brook Creek in Moscow Borough, **Lackawanna County**.

The receiving stream is classified for the following uses: cold water, fishery, aquatic life, water supply and recreation.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply (PWS) considered during the evaluation is the American Water Company, Elmhurst Reservoir on Roaring Brook Creek.

The proposed effluent limits for Outfall 001 based on a design flow of .180 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	4		8
(11-1 to 4-30)	12		24
Phosphorus as "P"	.5	.75	1
Dissolved Oxygen	a minimum of 5 mg/l at all times		
Fecal Coliforms			
(5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	2,000/100 ml as a geometric mean		
pH	6.0—9.0 standard units at all times		
Total Residual Chlorine	1		2.3

The EPA waiver is in effect.

**PA 0063665.** Industrial waste, **Municipal Separate Storm Sewer System**, City of Allentown, 112 Union Street, Allentown, PA 18102-4910.

This proposed action is for issuance of an NPDES permit to discharge stormwater from the municipal separate storm sewer system in the City of Allentown, **Lehigh County**. This is a new discharge to waters of the Commonwealth.

The permittee must develop and implement programs to characterize the stormwater outfalls located in the City of Allentown and minimize their impact on water quality.

Permit requirements include:

1. Establishing legal authority.
2. Source identification.
3. Discharge characterization.
4. Stormwater management programs including implementation of appropriate best management practices.
5. Assessment of controls.
6. Adequate fiscal resources.
7. Submission of annual report.

The EPA waiver is in effect.

**PA 0036439.** Sewerage, **Department of Public Welfare**, c/o Gregory M. Smith, White Haven Center, R. R. 2, Box 2195, White Haven, PA 18661-9602.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into Linesville Creek in Foster Township, **Luzerne County**.

The receiving stream is classified for the following uses: high quality, cold water fishery, aquatic life, water supply and recreation.

Effluent requirements were evaluated at the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.384 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>		
(5-1 to 10-31)	15.0	30.0
(11-1 to 4-30)	25.0	50.0
Total Suspended Solids	30.0	60.0
NH <sub>3</sub> -N		
(5-1 to 10-31)	3.0	6.0
(11-1 to 4-30)	9.0	18.0
Dissolved Oxygen	a minimum of 7.0 mg/l at all times	
Fecal Coliforms		
(5-1 to 9-30)	200/100 ml as a geometric mean	
(10-1 to 4-30)	2,000/100 ml as a geometric mean	
pH	6.0—9.0 standard units at all times	
Total Residual Chlorine		
1st Month through 36th Month	monitor and report	
37th Month through Expiration Date	0.2	0.4

The EPA waiver is in effect.

**PA 0061361.** Sewerage, **Smithfield Township Sewer Authority**, Box 5209, East Stroudsburg, PA 18301.



This proposed action is for renewal issuance amendment of an NPDES permit to discharge treated sewage into Little Sambo Creek in Smithfield Township, **Monroe County**.

The receiving stream is classified for the following uses: trout stocking fishery, aquatic life, water supply and recreation.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the proposed downstream potable water supply (PWS) considered during the evaluation is East Stroudsburg/Stroudsburg Water Supply on Delaware River.

The proposed effluent limits for Outfall 001 based on a design flow of 0.4 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>7 Day Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	2.5		5
(11-1 to 4-30)	7.5		15
Dissolved Oxygen	a minimum of 5 mg/l at all times		
Fecal Coliforms			
(5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	2,000/100 ml as a geometric mean		
pH	6.0—9.0 standard units at all times		
Total Residual Chlorine			
1st Month through 36th Month	monitor and report		
37th Month through Expiration Date	0.9		2.0

The EPA waiver is in effect.

**PA 0062642.** Industrial waste, SIC: 4941, **Blythe Township Municipal Authority**, Glen Dower WTP, 375 Valley Street, New Philadelphia, PA 17959.

This proposed action is for renewal of an NPDES permit to discharge treated/process wastewater into Taylorsville Creek to the west branch of the Schuylkill River in Foster Township, **Schuylkill County**.

The receiving stream is classified for the following uses: cold water fishery, aquatic life, water supply and recreation.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply (PWS) considered during the evaluation is the Pottstown Water Authority located on the Schuylkill River.

The proposed effluent limits for Outfall 001 based on a design flow of .000075 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Aluminum	4.0	8.0	
Total Iron	2.0	4.0	
Total Manganese	1.0	2.0	
Total Suspended Solids	30.0	60.0	
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

**PA 0062693.** Industrial waste, SIC: 4941, **Blythe Township Municipal Authority** (Moss Glen WTP), Schuylkill Township, Schuylkill County.

This proposed action is for renewal of an NPDES permit to discharge treated process wastewater into Big Creek in Schuylkill Township, **Schuylkill County**.

The receiving stream is classified for the following uses: cold water fishery, aquatic life, water supply and recreation.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply (PWS) considered during the evaluation is the Pottstown Water Supply located on the Schuylkill River.

The proposed effluent limits for Outfall 001 based on a design flow of .0114 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Aluminum	4.0	8.0	
Total Iron	2.0	4.0	
Manganese	1.0	2.0	
Suspended Solids	30.0	60.0	
pH	6—9 std. units at all times		

The EPA waiver is in effect.

**PA 0060518.** Sewerage, **Hallstead-Great Bend Joint Sewer Authority**, Attention: John W. Ord, P. O. Box 757, Great Bend, PA 18821-0757.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into Susquehanna River in Great Bend Borough, **Susquehanna County**.

The receiving stream is classified for the following uses: warm water, fishery, aquatic life, water supply and recreation.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the proposed downstream potable water supply (PWS) considered during the evaluation is the New York-Pennsylvania border 2 miles downstream of the discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.35 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25.0	40.0	50.0
Total Suspended Solids	30.0	45.0	60.0
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	2,000/100 ml as a geometric mean		
pH	6.0—9.0 standard units at all times		
Total Residual Chlorine			
1st month—24th month	monitor and report		
25th month—Expiration	1.0		2.0

The EPA waiver is in effect.

**PA 0062332.** Sewerage, **Eaton Sewer and Water Co.**, 25 West Tioga Street, Tunkhannock, PA.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into the north branch of the Susquehanna River in Eaton Township, **Wyoming County**.

The receiving stream is classified for the following uses: warm water fishery, aquatic life, water supply and recreation.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply (PWS) considered during the evaluation is Danville Water Supply on the Susquehanna River.

The proposed effluent limits for Outfall 001, based on a design flow of .05 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Total Suspended Solids	30	60
Total Residual Chlorine	1.2	2.8
Dissolved Oxygen	a minimum of 5.0 mg/l at all times	
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric mean	
(10-1 to 4-30)	2,000/100 ml as a geometric mean	
pH	6.0—9.0 standard units at all times	

The EPA waiver is in effect.

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*Southcentral Regional Office: Regional Water Management Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, telephone (717) 657-4590.*

**PA 0085006.** Sewage, SIC: 4952, **Conoy Township—Bainbridge**, 211 Falmouth Road, Bainbridge, PA 17502.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to Conoy Creek, in Conoy Township, **Lancaster County**.

The receiving stream is classified for trout stocking fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Columbia Water Company located in Columbia Borough, Lancaster County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.08 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40		50
Total Suspended Solids	30	45		60
Total Residual Chlorine	0.5			1.6
Dissolved Oxygen	minimum of 5.0 at all times			
pH	from 6.0—9.0 inclusive			

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric average			
(10-1 to 4-30)	3,000/100 ml as a geometric average			

The EPA waiver is in effect.

**PA 0085022.** Sewage, SIC: 4952, **Conoy Township** (Village of Falmouth), 211 Falmouth Road, Bainbridge, PA 17502.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to an unnamed tributary of the Susquehanna River, in Conoy Township, **Lancaster County**.

The receiving stream is classified for warm water fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was the Columbia Water Company located in Columbia Borough, Lancaster County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.025 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40		50
Total Suspended Solids	30	45		60
NH <sub>3</sub> -N (5-1 to 10-31)	10			20
Total Residual Chlorine	0.5			1.6
Dissolved Oxygen	minimum of 5.0 at all times			
pH	from 6.0—9.0 inclusive			
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric average			
(10-1 to 4-30)	11,000/100 ml as a geometric average			

The EPA waiver is in effect.

*Southwest Regional Office: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 442-4000.*

**PA 0003816.** Industrial waste, SIC: 5171, **BP Oil Company**, 200 Public Square 7-T, Cleveland, OH 44114.

This application is for renewal of an NPDES permit to discharge treated stormwater from Petroleum Marketing Terminal in Moon Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, Ohio River, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is the Midland Borough Municipal Authority, located at Midland, 25 miles below the discharge point.

Outfall 001: existing discharge.

<i>Parameter</i>	<i>Interim Limits</i>		<i>Concentration (mg/l)</i>		
	<i>Mass (lb/day)</i>				
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitor and report				
Oil and Grease			15		30
Total xylenes					monitor/report
Total BTEX					monitor/report
Total Recoverable Petroleum Hydrocarbons					monitor/report
pH	6.0—9.0				

Outfall 001: existing discharge

<i>Parameter</i>	<i>Final Limits</i>		<i>Concentration (mg/l)</i>		
	<i>Mass (lb/day)</i>				
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Recoverable Petroleum Hydrocarbons					monitor/report
Total Xylenes					monitor/report

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum monitor/report</i>
Total BTEX					

The EPA waiver is in effect.

**PA 0021156.** Sewage, **Bullskin Township Board of Supervisors**, R. D. 2, Box 234G, Connellsville, PA 15425.

This application is for amendment of an NPDES permit to discharge treated sewage from the Merit Manor Sewage Treatment Plant in Bullskin Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as White Run, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the McKeesport Municipal Water Authority on the Youghiogheny River.

Outfall 001: existing discharge, design flow of 0.05 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	37.5		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	5.0	7.5		10
(11-1 to 4-30)	15	22.5		30
Fecal Coliforms				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	4,000/100 ml as a geometric mean			
Total Residual Chlorine				
1st month—36th month	monitor and report			
37th month—expiration		1.2		2.9
pH	6.0—9.0			

*Other Conditions:* The permittee is authorized to discharge the above during the period from issued date through the NPDES expiration date, or the date the proposed expansion to 0.0626 mgd is completed and in operation, whichever comes first.

Outfall 001: expanded discharge, design flow of 0.0626 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	37.5		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	5.0	7.5		10
(11-1 to 4-30)	15	22.5		30
Fecal Coliforms				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	4,000/100 ml as a geometric mean			
Total Residual Chlorine		1.0		2.3
pH	6.0—9.0			

*Other Conditions:* The permittee is authorized to discharge the above during the period from the date the proposed treatment plant expansion to 0.0626 mgd is completed and in operation through the NPDES expiration date, or the date the proposed expansion to 0.085 mgd is completed and in operation, whichever comes first.

Outfall 001: expanded discharge, design flow of 0.085 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	37.5		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	4.0	6.0		8.0
(11-1 to 4-30)	12	18		24

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	4,000/100 ml as a geometric mean			
Total Residual Chlorine	0.7			
Dissolved Oxygen	not less than 3.0 mg/l			
pH	6.0—9.0			

*Other Conditions:* The permittee is authorized to discharge during the period from the date the treatment facility is expanded to 0.085 mgd through NPDES expiration date.

The EPA waiver is in effect.

**PA 0046426.** Sewage, **Franklin Township Sewer Authority**, 570 Rolling Meadows Road, Waynesburg, PA 15370.

This application is for renewal of an NPDES permit to discharge treated sewage from Franklin Township STP in Franklin Township, **Greene County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as South Fork Tenmile Creek, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Tri County Joint Water Authority.

Outfall 001: existing discharge, design flow of 1.25 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	37.5		50
Suspended Solids	30	45		60
Ammonia Nitrogen (5-1 to 10-31)	2.5	3.8		5.0
(11-1 to 4-30)	4.0	6.0		8.0
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine 1st month to 36th month	monitor and report			
37th month to expiration	.3			
Dissolved Oxygen	not less than 5 mg/l			
pH	6.0—9.0			

Outfall 003: This outfall consists solely of uncontaminated stormwater runoff.

The EPA waiver is not in effect.

**PA 0090018.** Sewage, **North Strabane Township Municipal Authority**, 1929 B, Route 519 South, Canonsburg, PA 15317.

This application is for renewal of an NPDES permit to discharge treated sewage from the Willolake Sewage Treatment Plant in North Strabane Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of Chartiers Creek, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the West View Municipal Authority on the Ohio River.

Outfall 001: existing discharge, design flow of 0.14 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	10	15		20
Suspended Solids	25	37.5		50
Ammonia Nitrogen (5-1 to 10-31)	2	3		4
(11-1 to 4-30)	3.5	5.3		7
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			

<i>Parameter</i>	<i>Average Monthly</i>	<i>Concentration (mg/l)</i>		
		<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Residual Chlorine				
1st month to 36th month	monitor and report			
37th month to expiration	0.04			0.12
Dissolved Oxygen	not less than 5 mg/l			
pH	6.0—9.0			

*Other Conditions:*

The EPA waiver is in effect.

**PA 0217581.** Sewage, **Louis Yemc**, 350 Arona Road, New Stanton, PA 15672.

This application is for issuance of an NPDES permit to discharge treated sewage from Yemc New Stanton Mack Truck Dealer sewage treatment plant in South Huntingdon Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Hunters Run, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Westmoreland County—McKeesport Municipal Authority.

Outfall 001: new discharge, design flow of 0.0004 mgd.

<i>Parameter</i>	<i>Average Monthly</i>	<i>Concentration (mg/l)</i>		
		<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
(5-1 to 10-31)	3			6
(11-1 to 4-30)	9			18
Fecal Coliforms				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	monitor and report			
Dissolved Oxygen	not less than 3.0 mg/l			
pH	6.0—9.0			

The EPA waiver is in effect.

*Northeast Regional Office: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 826-2511.*

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA0051721	Mountain View Mobile Home Park Richard Becker 901 South Best Avenue Route 145 Walnutport, PA 18088	Northampton Lehigh Township	Unnamed tributary of Bertsch Creek	TRC
PA0070203	Craftex Mills, Inc. Michael Middlebrook R. D. 2, Route 895 West Auburn, PA 17922	Schuylkill West Brunswick Township	Pine Creek	TRC

## DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

### Applications under the Pennsylvania Clean Streams Law

#### (Part II Permits)

The following permit applications and requests for plan approval have been received by the Department of Environmental Protection.

Persons objecting on the grounds of public or private interest to the approval of an application or submitted

plan may file a written protest with the Department of Environmental Protection at the address indicated above each permit application or plan. Each written protest should contain the following: name, address and telephone number; identification of the plan or application to which the protest is addressed; and a concise statement in sufficient detail to inform the Department of the exact basis of the protest and the relevant facts upon which it is based. The Department may conduct a fact-finding hearing or an informal conference in response to any given protest or protests. Each commentator will be notified in writing of the time and place if a hearing or

conference concerning the plan, action or application to which the protest relates is held. To insure consideration by the Department prior to final action on permit applications and proposed plans, initial protests and additions or amendments to protests already filed should be filed within 15 calendar days from the date of this issue of the *Pennsylvania Bulletin*. A copy of each permit application and proposed plan is on file in the office indicated and is open to public inspection.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact the Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

**Industrial waste and sewerage applications under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).**

*Southeast Regional Office: Regional Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428-2233, telephone (610) 832-6130.*

**1597405.** Sewerage. **Landis and Graham Partnership**, (310 North High Street, West Chester, PA 19480). Construction of a wastewater treatment plant to serve Ludwig's Village Shoppes located in West Vincent Township, **Chester County**.

*Northwest Regional Office: Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, telephone (814) 332-6942.*

**WQM Permit No. 2097403.** Sewage. **City of Titusville**, 107 North Franklin Street, Titusville, PA 16354. This project is for the construction and operation of two pump stations which will be modifications to existing facilities in City of Titusville, **Crawford County**.

*Southwest Regional Office: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 442-4000.*

**A. 0297202.** Industrial waste. **Department of Energy**, Pittsburgh Naval Reactors Office, P. O. Box 109, West Mifflin, PA 15122-0109. Application for the construction and operation of the Springwater Intercept System (SIS) to serve the Bettis Atomic Power Laboratory located in West Mifflin Borough, **Allegheny County**.

**A. 0274469.** Amendment No. 2. Sewerage. **Allegheny County Sanitary Authority**, 3300 Preble Avenue, Pittsburgh, PA 15233-1092. Application for the expansion and operation of the existing Alcosan treatment facility located in the City of Pittsburgh, **Allegheny County**.

**INDIVIDUAL PERMITS**

**(PAS)**

The following parties have applied for an NPDES permit to discharge stormwater from a proposed construction activity into the surface waters of the Commonwealth. Unless otherwise indicated on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection proposes to issue a permit to discharge, subject to certain limitations set forth in the permit and special conditions. These proposed determinations are tentative. Limitations are provided in the permit as erosion and sedimentation control measures and facilities which restrict the rate and quantity of sediment discharged.

Where indicated, the EPA, Region III, Regional Administrator has waived the right to review or object to this proposed permit action under the waiver provision 40 CFR 123.24(d).

Persons wishing to comment on the proposed permit are invited to submit a statement to the Regional Office or County Conservation District Office indicated as the responsible office, within 30 days from the date of this public notice. A copy of the written comments should be sent to the County Conservation District Office. Comments reviewed within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Regional Office of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the Regional Office considers the public response significant.

Following the 30-day comment period, the Water Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealable to the Environmental Hearing Board.

The application and related documents, including the erosion and sedimentation control plan for the construction activity, are on file and may be inspected at the County Conservation District Office or the Department Regional Office indicated above the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

*Northeast Regional Office, Regional Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 825-2511.*

*Southcentral Regional Office, Regional Water Management Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, telephone (717) 657-4590.*

*Southeast Regional Office, Regional Water Management Program Manager, Ste. 6010, Lee Park, 555 North Lane, Conshohocken, PA 19428, telephone (610) 832-6131.*

*Chester County Conservation District, District Manager, 601 Westtown Road, Government Services Center, West Chester, PA 19382, telephone (610) 696-5126.*

**NPDES Permit PAS10G255.** Stormwater. **Franklin Township**, P. O. Box 118, Kemblesville, PA 19347 has applied to discharge stormwater from a construction activity located in Franklin Township, **Chester County**, to UNT to the west branch of White Clay.

**NPDES Permit PAS10G256.** Stormwater. **John Sbarbaro III**, 107 S. Church Street, West Chester, PA 19383 has applied to discharge stormwater from a construction activity located in West Pikeland Township, **Chester County**, to Pickering Creek.

**NPDES Permit PAS10G257.** Stormwater. **William Hammell**, R. D. 1 Box 301, Honey Brook, PA 19344 has applied to discharge stormwater from a construction activity located in West Brandywine Township, **Chester County**, to UNT to Beaver Creek.

**NPDES Permit PAS10G258.** Stormwater. **Malvern Hills II Partners**, P. O. Box 3085, West Chester, PA 19381 has applied to discharge stormwater from a con-

struction activity located in Malvern Borough, **Chester County**, to Schuylkill Basin.

*Lackawanna County Conservation District, District Manager, 395 Bedford Street, Clarks Summit, PA 18411, telephone (717) 587-2607.*

**NPDES Permit PAS10N023.** Stormwater. **Jefferson Township Sewer Authority**, R. R. 3 Box 287, Lake Ariel, PA 18436 has applied to discharge stormwater from a construction activity located in Jefferson Township, **Lackawanna County**, to UNT to the west branch of Wallenpaupack Creek.

*Lehigh County Conservation District, District Manager, 4184 Dorney Park Road, Allentown, PA 18104, telephone (610) 391-9583.*

**NPDES Permit PAS10Q136.** Stormwater. **Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106 has applied to discharge stormwater from a construction activity located in South Whitehall and Upper Macungie Townships, **Lehigh County**, to Little Lehigh Creek.

*Montgomery County Conservation District, District Manager, 1015 Bridge Road, Collegeville, PA 19426, telephone (610) 489-4506.*

**NPDES Permit PAS10T081.** Stormwater. **Quaker Homes Inc.**, 2001 Swinging Bridge Road, Green Lane, PA 18054 has applied to discharge stormwater from a construction activity located in Upper Hanover Township, **Montgomery County**, to UNT to Perkiomen Creek through site.

*York County Conservation District, District Manager, 118 Pleasant Acres Road, York, PA 17402, telephone (717) 840-7430.*

**NPDES Permit PAS10Y063.** Stormwater. **Harry Fox Jr.**, 241 Old York Road, Dillsburg, PA 17019 has applied to discharge stormwater from a construction activity located in Fairview Township, **York County**, to UNT to Lake Silver.

## SAFE DRINKING WATER

### Application received under the Pennsylvania Safe Drinking Water (35 P. S. §§ 721.1—721.17).

*Northeast Regional Office: Sanitarian Regional Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 826-2511.*

**4895503-A1.** Public water supply. **Portland Borough Authority**, James Courtright, Secretary, Portland Borough Authority, P. O. Box 572, Portland, PA 18351. This proposal involves improvements to existing well nos. 1 and 2 and construction of transmission mains; proposed installation of telemetering and control system for wells and chemical feed systems for: disinfection, corrosion control and manganese control. Provisions have also been made for controls, chemical treatment and piping connections for the addition of a future well no. 3 to the system. (One transmission line wetland crossing [replacement] is proposed—General Permit 5—will be obtained).

*Engineer: Samuel D'Alessandro, P. E., RKR Hess Associates, Inc., P. O. Box 268, East Stroudsburg, PA 18301.*

**5497501.** Public water supply. **Minersville Water Filtration Plant**, James Cleary, Manager, Minersville Borough Authority, 2 East Sunbury Street, Minersville, PA 17954. This proposal involves installation of chemical feed equipment for addition of soda ash and potassium

permanganate for pH adjustment and oxidation of iron during summer months when iron bacteria hinder plant operation.

*Engineer: Edward E. Davis, Sr., P. E., WJP Engineers, 1406 Laurel Boulevard, Pottsville, PA 17901.*

*Southwest Regional Office: Regional Manager, Water Supply and Community Health, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 442-4000.*

**A. 6593502-A1. New Florence Water Authority**, P. O. Box 263, New Florence, PA 15944. Installation of a pitless adapter, submersible pump and electrical service to utilize a well as a supplemental source of water serving St. Clair Township, **Westmoreland County**.

*Southeast Regional Office: Sanitarian Regional Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428-2233, telephone (610) 832-6130.*

**A. 1596504.** Public water supply. **Elverson Water Company, Inc.**, 26 E. Main Street, Elverson, PA 19520. This proposal involves the use of well no. 4 as an additional source of supply for the Elverson Water Company located in Elverson Borough, **Chester County**.

**A. 0997506.** Public water supply. **Northampton Bucks County Municipal Authority**, 111 Township Road, Richboro, PA 18954. This proposal involves the construction of a 3 million gallon storage tank along with a booster pump station in Northampton Township, **Bucks County**.

**A. 0997505.** Public water supply. **Peddler's Village Partnership**, P. O. Box 218, Lahaska, PA 18931. This proposal involves the use of well no. 3 in place of well no. 2 in providing a second source of supply for Peddler's Village, Penn's Market II commercial development, and the proposed Stone Ridge Development in Solebury Township, **Bucks County**.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### Under Act 2, 1995

#### Preamble 1

Acknowledgment of Notices of Intent to Remediate submitted to the Department of Environmental Protection under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Sections 302 and 303 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate identifies a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background or Statewide health standard to remediate a site must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known contaminants at the site, the proposed remediation measures for the site, and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of the cleanup standards identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department and shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.



For further information concerning the content of a Notice of Intent to Remediate, please contact the Department of Environmental Protection Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office listed. TDD users may telephone the Department through the AT&T Relay Service at 1 (800) 654-5984.

The Department of Environmental Protection has received the following Notices of Intent to Remediate:

*Southcentral Regional Office: Environmental Cleanup Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4592.*

**Union Tank Car Company, City of Altoona, Blair County.** Union Tank Car Company, 151st Street and Railroad Avenue, East Chicago, IN 46312, has submitted a Notice of Intent to Remediate site soils and groundwater contaminated with BTEX. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Altoona Mirror* on March 14, 1997.

## SOLID AND HAZARDOUS WASTE

### BENEFICIAL USE DETERMINATIONS

**Applications received under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning and Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to operate residual waste processing facilities and the beneficial use of residual waste other than coal ash.**

*Central Office: Division of Municipal and Residual Waste, 14th Floor, Rachel Carson State Office Building, 400 Market St., Harrisburg, PA 17101-2301.*

**General Permit Application No. WMGR053. Environmental Coordination Services and Recycling, Inc.,** R. D. 2, Box 250A-1, Cochranon, PA 16314. An application for the processing of consumer commodity containers (for example, plastic, glass, metal, and the like) containing food items and health care products. The contents of the containers will be removed and reused when possible; the containers will be cleaned, separated, shredded and bulked for recycling.

Comments on the general permit application may be submitted to Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, P.O. Box 8472, Harrisburg, PA 17105-8472. Persons interested in examining the application may make arrangements by calling the Division of Municipal and Residual Waste at (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Arrangements can also be made for persons with disabilities who wish to inspect the application. Public comments must be submitted to the Department within 60 days of the date of this notice and may recommend revisions to, and approval or denial of the application.

**Beneficial use determinations received under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and the regulations for municipal and residual waste.**

*Regional Office: Regional Solid Waste Manager, 555 North Lane, Suite 6010, Lee Park, Conshohocken, PA 19418.*

**Beneficial Use No. BU10030. Pennridge Waste Water Treatment Authority,** 180 Maple Avenue, P.O. Box 31, Sellersville, PA 18960. On January 22, 1997 the Southeast Regional Office received an application from Pennridge Waste Water Treatment Authority for the agricultural utilization of alkaline stabilized biosolids product.

### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Applications submitted under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and regulations to operate or close solid waste processing or disposal area or site.**

*Northwest Regional Office: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481, telephone (814) 332-6848.*

**A. 100585. Waste Management Disposal Services of Pennsylvania, Inc.** (Northwest Sanitary Landfill), 1436 West Sunbury Road, West Sunbury, PA 16061. Major permit modification application for the revision of the landfill's approved groundwater monitoring plan to place three of the monitoring wells on inactive status. The landfill is located in Clay Township, **Butler County**. Permit modification application accepted in Regional Office on March 18, 1997.

**Unpermitted. Armco Inc.,** Butler Operations, P.O. Box 832, Butler, PA 16003-0832, located in Butler Township, **Butler County**. An application to close Sludge Beds 4 and 6 at the Butler Plant was determined to be administratively complete by the Regional Office on March 13, 1997. Sludge Beds 4 and 6 were used as disposal impoundments for lime stabilized waste pickle liquor sludge generated at the Butler Plant.

*Regional Office: Regional Solid Waste Manager, One Ararat Boulevard, Harrisburg, PA 17110.*

**A. 603452. Summit Level Farm, Land Resource Recycling Management, Inc.,** (1296 High Street, Pottstown, PA 19464). Application for agricultural utilization of sewage sludge to a site in Robeson Township, **Berks County**. Application determined to be administratively complete in the Regional Office March 17, 1997.

**A. 603285. Peifer Brothers Farm. Wheelbrator Water Technologies,** (180 Admiral Cochrane Drive, Annapolis, MD 21401). Application for modification for an agricultural utilization of sewage sludge site in Oley Township, **Berks County**. Application determined to be administratively complete in the Regional Office March 17, 1997.

**A. 603285. Omar Zook Farm. Wheelbrator Water Technologies,** (180 Admiral Cochrane Drive, Annapolis, MD 21401). Application for modification for an agricultural utilization of sewage sludge site in Oley Township, **Berks County**. Application determined to be administratively complete in the Regional Office March 17, 1997.

**A. 603285. Charles Wagner Farm. Wheelbrator Water Technologies,** (180 Admiral Cochrane Drive, Annapolis, MD 21401). Application for modification for an agricultural utilization of sewage sludge site in Oley Township, **Berks County**. Application determined to be administratively complete in the Regional Office March 17, 1997.

**A. 603285. Harold Hetrick Farm. Wheelbrator Water Technologies**, (180 Admiral Cochrane Drive, Annapolis, MD 21401). Application for modification for an agricultural utilization of sewage sludge site in Oley Township, **Berks County**. Application determined to be administratively complete in the Regional Office March 17, 1997.

**A. 603285. Kelcher Farm. Wheelbrator Water Technologies**, (180 Admiral Cochrane Drive, Annapolis, MD 21401). Application for modification for an agricultural utilization of sewage sludge site in Oley and Pike Townships, **Berks County**. Application determined to be administratively complete in the Regional Office March 17, 1997.

**A. 603285. Levi Lapp Farm. Wheelbrator Water Technologies**, (180 Admiral Cochrane Drive, Annapolis, MD 21401). Application for modification for an agricultural utilization of sewage sludge site in Little Britain Township, **Lancaster County**. Application determined to be administratively complete in the Regional Office March 17, 1997.

**A. 603285. Booncroft Farm. Wheelbrator Water Technologies**, (180 Admiral Cochrane Drive, Annapolis, MD 21401). Application for modification for an agricultural utilization of sewage sludge site in Exeter Township, **Berks County**. Application determined to be administratively complete in the Regional Office March 17, 1997.

**A. 603285. Charles Hetrick Farm. Wheelbrator Water Technologies**, (180 Admiral Cochrane Drive, Annapolis, MD 21401). Application for modification for an agricultural utilization of sewage sludge site in Exeter and Oley Townships, **Berks County**. Application determined to be administratively complete in the Regional Office March 17, 1997.

#### **PREVIOUSLY UNPERMITTED CLASS OF SPECIAL HANDLING WASTE**

##### **INFECTIOUS OR CHEMOTHERAPEUTIC WASTE**

**Renewal applications received under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003), the Infectious and Chemotherapeutic Waste Law (35 P.S. §§ 6019.1—6019.6) and regulations for license to transport infectious and chemotherapeutic waste.**

*Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P.O. Box 8471, Harrisburg, PA 17105-8471.*

**Allegro Carting and Recycling Inc.**, 1024 Jefferson Street, Hoboken, NJ 07030; Frank Savino, Secretary/Treasurer; License No. **PA-HC 0159**; application received March 17, 1997.

**Interboro Disposal and Recycling Corp.**, 1024 Jefferson Street, Hoboken, NJ 07030; Frank Savino, Secretary/Treasurer; License No. **PA-AH 0160**; application received March 17, 1997.

### **AIR POLLUTION**

#### **OPERATING PERMITS**

**Construct, modify or activate air contaminant sources**

**25 Pa. Code § 129.1**

**Applications received for operating permit issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015).**

*Regional Office: Northeast Regional Office, Bureau of Air Quality Control, 2 Public Square, Wilkes-Barre, PA 18711-0792.*

The Department intends to issue a Compliance Permit for the air contamination sources and associated air cleaning devices described below for the specified company.

Permit: **48-305-001C**

Source: Coke Oven Battery A Combustion Stack

Company: **Bethlehem Structural Products Corporation (Coke Oven Division)**

Location: 1805 East Fourth Street, Bethlehem, PA 18016

County: **Northampton**

#### **Notice of Intent to Issue Title V Operating Permit**

##### **Title V Operating Permit No. 39-00005**

Under 25 Pa. Code 127.521, the Department of Environmental Protection (DEP) intends to issue a Title V Operating Permit to Prior Coated Metals, Inc. The facility contains coil coating operations located in Allentown, Lehigh County. The Prior Coated Metals, Inc. contact regarding this application is Gregory Gemgnani, Environmental, Health and Safety Manager, 2233 26th Street S. W., Allentown, PA 18103.

Prior Coated Metals consists of a coil coating operation. As a result of the levels of Volatile Organic Compound (VOC) emissions from the coil coating operations, the facility is considered a major stationary source subject to Title V Operating Permit requirements adopted in 25 Pa. Code 127, Subchapter G. The proposed Title V Operating Permit will incorporate all applicable air quality requirements for each significant source at the facility and does not reflect any change in air emissions from the facility.

Copies of the application, DEP's analysis and other documents used in evaluation of the application are available for public inspection during normal business hours at the Department of Environmental Protection, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Any person wishing to provide the Department of Environmental Protection with additional information which they believe should be considered prior to the issuance of this permit may submit the information to the Department of Environmental Protection at the address shown above. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comment.
- Identification of the proposed permit (specify permit No. 39-00005).
- Concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Michael Safko, Chief, Title V Section, Department of Environmental

Protection, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.

#### **Title V Operating Permit No. 40-00022**

Under 25 Pa. Code § 127.521, the Department of Environmental Protection (DEP) intends to issue a Title V Operating Permit to Pennsylvania Power & Light Company (PP&L). The facility contains two combustion turbines located in Hazle Township, Luzerne County. The PP&L contact regarding this application is Bradley J. Piatt, Senior Power Production Engineer, 2 North Ninth Street N-5, Allentown, PA 18101.

PP&L consists of two combustion turbines. As a result of the levels of Nitrogen Oxide emissions from the combustion turbines, the facility is considered a major stationary source subject to Title V Operating Permit requirements adopted in 25 Pa. Code 127, Subchapter G. The proposed Title V Operating Permit will incorporate all applicable air quality requirements for each significant source at the facility and does not reflect any change in air emissions from the facility.

Copies of the application, DEP's analysis and other documents used in evaluation of the application are available for public inspection during normal business hours at the Department of Environmental Protection, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Any person wishing to provide the Department of Environmental Protection with additional information which they believe should be considered prior to the issuance of this permit may submit the information to the Department of Environmental Protection at the address shown above. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comment.
- Identification of the proposed permit (specify permit No. 40-00022).
- Concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by Publication in the newspaper or the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Michael Safko, Chief, Title V Section, Department of Environmental Protection, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.

#### **Title V Operating Permit No. 46-00039**

Under 25 Pa. Code § 127.521, the Department of Environmental Protection (DEP) intends to issue a Title V Operating Permit to Peco Energy, for its Moser facility. The PECO Energy Moser plant is located in Lower Pottsgrove Township, Montgomery County.

The Moser facility is primarily used for peak electrical production. As a result of the potential level of Nitrogen Oxides (NOx) emitted, Moser is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments. The facility is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code, Chapter 127, Subchapter G.

The proposed Title V Operating Permit does not adopt any new regulations and does not reflect any change in air emissions from the facility. It incorporates all of the applicable air quality requirements for each source at the existing plant into a single permit as required under Title V of the Clean Air Act Amendments of 1990. Upon final approval, the permit will be issued for a period of 5 years.

An appointment to review the permit application and the draft Title V Operating Permit at the Department's Southeast Regional Office may be scheduled by contacting the Record's Management staff, at (610) 832-6000 between 8 a.m. and 4 p.m., Monday through Friday, except holidays.

A 30 day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following:

- Name, address and phone number of the person submitting the comments.
- Identification of the proposed permit (specify permit No. TVOP-46-00039).
- Concise statements regarding the relevancy of the information of objections to issuance of the permit. A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified on the decision to hold a hearing by publication in this newspaper, or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Francine Carlini, Regional Air Quality Program Manager, Department of Environmental Protection, Southeast Region—Field Operations, 555 North Lane, Suite 6010, Lee Park, Conshohocken, PA 19428, (610) 832-6000.

For additional information, contact Edward J. Brown, Facilities Section Chief, Air Quality Program, at the same address and phone number.

#### **Notice of Intent to Issue State Only Operating Permit**

##### **Permit No. OP-03-047**

Per 25 Pa. Code § 127.424, the Department intends to issue a facility-wide State Only Operating Permit to Freeport Brick Company, Drawer F, Freeport, PA 16229 for the Freeport Facility operating in Freeport Borough, Armstrong County.

Permit conditions cover all equipment located at the facility, including the No. 1 Tunnel Kiln, the No. 2 Tunnel Kiln, three pans and four screens. Maximum allowable annual emissions (after control) are established at less than 10 tons per year of fluorides, 22 tons per year of NOx, 80 tons per year of SO<sub>2</sub> and 11 tons per year of particulate emissions.

Copies of the application, DEP's analysis, and other documents used in evaluation of the application are available for public inspection during normal business hours at the Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222.

Any person wishing to either object to the operating permit or a proposed condition thereof or provide the Department with additional information which they believe should be considered prior to the issuance of this permit, may submit the information to the Department at

the address shown above. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit (specify permit no. OP-03-047).
- Concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or request for a public hearing should be directed to Joseph Pezze, Regional Air Quality Manager, Department of Environmental Protection, Southwest Regional Office, Field Operations, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, phone (412) 442-4000. For additional information contact Francis D. Condrick, APCE II Air Quality at the same address.

#### **Permit No. OP-03-201**

Per 25 Pa. Code § 127.424, the Department intends to issue a facility-wide State Only Operating Permit to Peoples Natural Gas Co., 625 Liberty Avenue, Pittsburgh, PA 15222 for the Baum Compressor Station facility operating in Boggs Township, Armstrong County.

Permit conditions cover all equipment located at the facility, consisting of one Cooper-Bessemer GMX-6, 330 hp, integral compressor engine. Maximum allowable annual emissions (after control) are established at less than 50 tons of NOx.

Copies of the application, DEP's analysis, and other documents used in evaluation of the application are available for public inspection during normal business hours at the Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222.

Any person wishing to either object to the operating permit or a proposed condition thereof or provide the Department with additional information which they believe should be considered prior to the issuance of this permit, may submit the information to the Department at the address shown above. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit (specify permit no. OP-03-201).
- Concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or request for a public hearing should be directed to Joseph Pezze, Regional Air Quality Manager, Department of Environmental Protection, Southwest

Regional Office, Field Operations, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, phone (412) 442-4000. For additional information contact Donald F. Rinald, Air Quality Control Engineer II, Air Quality at the same address.

#### **Permit No. OP-03-202**

Per 25 Pa. Code § 127.424, the Department intends to issue a facility-wide State Only Operating Permit to Peoples Natural Gas Co., 625 Liberty Avenue, Pittsburgh, PA 15222 for the Roaring Run Compressor Station facility operating in Kiskiminetas Township, Armstrong County.

Permit conditions cover all equipment located at the facility, which consists of one Cooper-Bessemer GMX-8, 440 hp, integral compressor engine. Maximum allowable annual emissions (after control) are established at less than 60 tons NOx.

Copies of the application, DEP's analysis, and other documents used in evaluation of the application are available for public inspection during normal business hours at the Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222.

Any person wishing to either object to the operating permit or a proposed condition thereof or provide the Department with additional information which they believe should be considered prior to the issuance of this permit, may submit the information to the Department at the address shown above. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit (specify permit no. OP-03-202).
- Concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or request for a public hearing should be directed to Joseph Pezze, Regional Air Quality Manager, Department of Environmental Protection, Southwest Regional Office, Field Operations, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, phone (412) 442-4000. For additional information contact Donald F. Rinald, Air Quality Control Engineer II, Air Quality at the same address.

#### **Permit No. OP-26-020**

Per 25 Pa. Code § 127.424, the Department intends to issue a facility-wide State Only Operating Permit to Commercial Stone Co. Inc., (2200 Springfield Pike, Connellsville, PA 15425) for the Rich Hill Pike facility operating in Connellsville Township, Fayette County.

Permit conditions cover all equipment located at the facility, including equipment covered in the Continuous Process Limestone Crushing Plant and the Wet suppression/Dry Collection System. Permit conditions limit fugitive and visible emissions in accordance with 25 Pa. Code §§ 123.1 and 123.2. Maximum annual emissions (after control) are estimated at 12 tons/year PM-10.

Copies of the application, DEP's analysis, and other documents used in evaluation of the application are available for public inspection during normal business hours at the Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222.

Any person wishing to either object to the operating permit or a proposed condition thereof or provide the Department with additional information which they believe should be considered prior to the issuance of this permit, may submit the information to the Department at the address shown above. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit (specify permit no. OP-26-020).
- Concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or request for a public hearing should be directed to Joseph Pezze, Regional Air Quality Manager, Department of Environmental Protection, Southwest Regional Office, Field Operations, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, phone (412) 442-4000. For additional information contact Sheri L. Guerrieri, APCEII, Air Quality at the same address.

#### Permit No. OP-26-288

Per 25 Pa. Code § 127.424, the Department intends to issue a facility-wide State Only Operating Permit to Commercial Stone Co., Inc., (2200 Springfield Pike, Connellsville, PA 15425) for the Springfield Pike facility operating in Connellsville Township, Fayette County.

Permit conditions cover all equipment located at the facility, including equipment covered in the Continuous Process Limestone Crushing Plant and the Wet suppression/Dry Collection System. Permit conditions limit fugitive and visible emissions in accordance with 25 Pa. Code §§ 123.1 and 123.2. Maximum annual emissions (after control) are estimated at 40 tons/year of PM-10.

Copies of the application, DEP's analysis, and other documents used in evaluation of the application are available for public inspection during normal business hours at the Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222.

Any person wishing to either object to the operating permit or a proposed condition thereof or provide the Department with additional information which they believe should be considered prior to the issuance of this permit, may submit the information to the Department at the address shown above. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit (specify permit no. OP-26-288).

- Concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or request for a public hearing should be directed to Joseph Pezze, Regional Air Quality Manager, Department of Environmental Protection, Southwest Regional Office, Field Operations, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, phone (412) 442-4000. For additional information contact Sheri L. Guerrieri, APCEII, Air Quality at the same address.

#### Applications received for Operating Permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

*Southcentral Regional Office: Air Quality Program, One Ararat Boulevard, Harrisburg, PA 17110.*

**44-2011.** The Department intends to issue a RACT (Reasonably Available Control Technology) Operating Permit to **Overhead Door Corporation, PA Division** (P. O. Box 110, Lewistown, PA 17044) in Granville Township, **Mifflin County**.

#### Applications received for Operating Permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

*Southcentral Regional Office: Air Quality Program, One Ararat Boulevard, Harrisburg, PA 17110.*

**44-2011.** The Department intends to issue a RACT (Reasonably Available Control Technology) Operating Permit to **Overhead Door Corporation, PA Division** (P. O. Box 110, Lewistown, PA 17044) in Grandville Township, **Mifflin County**.

#### Applications received for Minor Source Operating Permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

*Southwest Regional Office: Bureau of Air Quality, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**OP-03-104.** The Department received an Air Quality Operating Permit application from **M & M Lime Co., Inc.**, (R. R. 1, Box 257M, Worthington, PA 16262) for a limestone processing operation at its facility located in West Franklin Township, **Armstrong County**.

**OP-32-199.** The Department received an Air Quality Operating Permit application from **Indiana County**, (1665 Saltsburg Avenue, Indiana, PA 15701) for an incinerator at its Indiana County Animal Shelter located in White Township, **Indiana County**.

**OP-03-036.** The Department received an Air Quality Operating Permit application from **Manor Minerals, Inc.**, (265 South Jefferson Street, Kittanning, PA 16201) for a baghouse on the limestone plant at its Garretts Run Plant located in Manor Township, **Armstrong County**.

**OP-03-159.** The Department received an Air Quality Operating Permit application from **Butler Petroleum Corporation**, (105 Homewood Drive, Butler, PA 16001) for a petroleum products wholesaler operation at its Kittanning Bulk Plant located in East Franklin Township, **Armstrong County**.

**OP-26-041.** The Department received an Air Quality Operating Permit application from **Lafayette Manor, Inc.**, (120 New Salem Road, Uniontown, PA 15401) for a nursing facility at its facility located in Uniontown, **Fayette County**.

**Applications received for Operating Permits issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and regulations to construct, modify or reactivate air contaminant sources.**

*Southeast Regional Office: Bureau of Air Quality, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

There is a 30-day comment period from this date of publication.

The Department intends to issue an air quality operating permit for the air contaminant sources and associated air cleaning devices described below for the specified companies.

Permit: **23-302-130**  
Source: One Boiler  
Company: **Fitzgerald Mercy Hospital**  
Location: Darby  
County: **Delaware**

Permit: **09-310-042B**  
Source: Portable Stone Crushing Plant  
Company: **Naceville Materials**  
Location: Plumstead  
County: **Bucks**

Permit: **09-318-070**  
Source: 2 Spray Paint Booths & 1 Vapor Degreaser  
Company: **Boekel Industries, Inc.**  
Location: Lower Southampton  
County: **Bucks**

**Applications received for Operating Permits issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015).**

*Northcentral Regional Office: Bureau of Air Quality, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**49-313-032F.** The Department intends to issue an operating permit to **Merck & Company, Inc.** (P. O. Box 600, Danville, PA 17821) for the operation of a pharmaceutical process facility (Avermectin) and associated air cleaning devices in Riverside Borough, **Northumberland County**.

**14-309-003C.** The Department intends to issue an operating permit to **Bellefonte Lime Company, Inc.** (P. O. Box 448, Bellefonte, PA 16823) for the operation of a lime hydrator in Spring Township, **Centre County**.

*Northeast Regional Office: Bureau of Air Quality, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

The Department intends to issue an Air Quality Operating Permit for the air contamination sources and associated air cleaning devices described below for the specified companies.

Permit: **35-318-070A**  
Source: Paint Lines # 1, 2, 3 w/Filters  
Company: **Suckle Corporation**  
Location: City of Scranton  
County: **Lackawanna**

Permit: **35-318-071**  
Source: Paint Line # 4/Panel Filter  
Company: **Suckle Corporation**  
Location: City of Scranton  
County: **Lackawanna**

Permit: **48-310-017C**  
Source: Portable Plant # 3 w/Watersprays  
Company: **Haines & Kibblehouse Incorporated**  
Location: Lower Mt. Bethel Township  
County: **Northampton**

**PLAN APPROVALS**

**Plan Approval Application and Operating Permit for a Portable Source No. AQ-SE-0001**

Under 25 Pa. Code § 127.632 the DEP intends to issue a Plan Approval and Operating Permit for a portable source to Glasgow, Inc., P. O. Box 1089, Glenside, PA 19038-1089 to construct a portable stone crushing plant and associated wet suppression system as described in the applicant's application of October 10, 1995. The plan approval and operating permit will allow the source to be relocated any where within the Commonwealth of Pennsylvania with 30 days prior notice to the Department. The duration of the operating permit is limited to 5 years but may be reissued.

Based on the information provided by the applicant's and DEP's own analysis, this plant will not emit in excess of 6.2 tons/yr of particulate at any site where it is located.

The plant is regulated under 25 Pa. Code § 127.631. It requires that the source be regulated using standardized specifications and conditions.

In order to assure compliance with the applicable standards, the DEP will place the following conditions on the Plan Approval and operating permit.

1. *Source Components*

Primary Feeder  
Primary Impact Crusher  
42" × 41' Conveyor  
5' × 12' Screen  
18" × 31' Conveyor  
42" × 18' Conveyor  
Stacker

2. Dust from paved roads including 250 feet of public highway on either side of the access road shall be controlled through daily cleaning by a pressurized water truck or a vacuum road sweeper. Dust from unpaved roads shall be controlled through the use of water sprays or dust suppressants applied on a preventative basis.

3. The portable stone crushing plant shall only be operated at quarry or along the right-of-way of a road construction project. The portable stone crushing plant shall not be operated within 300 feet of an occupied building. The Department retains the right to limit the operation's operating hours at any site in a residential area.

Nothing in this plan approval and operating permit shall relieve the owner or operator from complying with any county or local ordinances or requirements.

4. The portable stone crushing plant shall be limited to the processing of:

virgin aggregate  
asbestos free recycled aggregate

asbestos free recycled asphalt products (RAP)  
concrete  
glass  
other highway aggregate paving materials

The portable stone crushing plant shall not be used to process any materials contaminated with waste oils, hazardous waste or asbestos.

5. The water spray dust suppression system associated with the aforementioned sources shall be operated on any and all occasions that the respective sources are operated, except in those unusual instances where conditions are such that operation of the sources without the simultaneous operation of the water spray dust suppression system can take place without creating air contaminant emissions in excess of the limitations specified in any applicable Department rule or regulation and any applicable New Source Performance Standards (NSPS) requirement. If, however, the water spray dust suppression system associated with the aforementioned sources is incapable of operation due to weather conditions or any other reason the aforementioned sources may not be operated at all.

6. The source shall install a water spray dust suppression system at all material stockpiles, aggregate transfer points, crushing and screening systems, and other surfaces which may give rise to airborne dusts. Spray nozzles shall be located at all transfer points of the portable plant.

7. All trucks transporting crushed aggregate or materials listed in Condition 4 above shall be covered when using roads in public use.

8. If at any time it is determined that the use of any roadways and/or any material stockpiling operations associated with the sources is causing the emission of fugitive particulate matter in excess of the limitations specified in section 123.2 of Chapter 123 of Article III of the Rules and Regulations of the Department of Environmental Protection or if it is determined that all reasonable actions to prevent fugitive particulate matter resulting from the use of such roadways and/or material stockpiling operations from becoming airborne are not being taken the company shall take immediate steps, including the use of additional fugitive particulate matter control techniques, to correct the situation.

9. Prior to initial startup the portable stone crushing plant shall meet the requirements of the New Source Performance Standards, 40 CFR 60, Subpart 000 for nonmetallic mineral processing plants. The owner or operator shall demonstrate compliance with the opacity standard within 60 days of the plants initial startup.

10. This source is subject to Subpart 000 of the Standards of Performance for New Stationary Sources and shall comply with all applicable requirements of this Subpart. 40 CFR 60.4 requires submission of copies of all requests, reports, applications, submittals, and other communications to both EPA and the Department. The EPA copies shall be forwarded to Director, Air, Toxics and Radiation Division, U. S. EPA, Region III, 841 Chestnut Street, Philadelphia, PA 19107.

11. At least 30 days prior to the initial opacity test required under Condition 10 above, the Regional Air Quality Manager shall be informed of the date and time of the test.

12. Within 30 days after the opacity tests, two copies of the complete test report, including all operating conditions, shall be submitted to the Regional Air Quality Manager for approval.

13. Prior to relocation of the portable stone crushing plant, the owner or operator shall apply to the Department using the appended form in conformance with 25 Pa. Code § 127.641. The owner or operator shall not relocate the portable stone crushing plant until it has received prior written approval from the Department. This requirement does not relieve the owner or operator from securing any necessary local approvals.

14. This operating permit for the portable stone crushing plant is contingent upon the wet suppression system being installed, and the sources and all associated air cleaning devices being maintained and operated, as described in the application and supplemental materials submitted for plan approval and that any air contaminants emitted from the sources are in compliance with the requirements specified in Article III of the Rules and Regulations of the Department of Environmental Protection including Federal New Source Performance Standards, 40 CFR Part 60.

Any person wishing to provide DEP with additional information they believe should be considered prior to the issuance of the Plan Approval and Operating Permit may submit the information to the address shown below. Each written comment shall include the following:

1. Name, address and telephone number of the person submitting the comments.
2. Identification of the proposed Plan Approval and Operating Permit (specify Plan Approval No. AQ-SE-0001).
3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval and Operating Permit.

A complete copy of the portable stone crushing plant application may be obtained by contacting Sonia Smith at the Southeast Regional Office, telephone (610) 832-6003.

The Department requests written comments on the proposed plan approval and operating permit. Notice and opportunity for comment will also be provided to the U. S. Environmental Protection Agency and the States of Delaware, Maryland, New Jersey, New York, Ohio, Virginia and West Virginia. Interested persons may submit written comments, suggestions or objections to John Petrella, Air Quality, Department of Environmental Protection, Southeast Regional Office, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428. Public comments must be submitted to the Department within 45 days of the date of this notice. Comments received by facsimile will not be accepted.

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**Applications under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify or reactivate air contamination sources.**

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*Southcentral Regional Office: Air Quality Program, One Ararat Boulevard, Harrisburg, PA 17110.*

**29-3001.** Installation of a rotoblast unit controlled by a fabric filter and a paint booth controlled by dry filter pads by **JLG Industries, Inc.—Equipment Services Division** (1 JLG Drive, McConnellsburg, PA 17233) in Ayr Township, **Fulton County**.

**36-304-055E.** Installation of two fabric collectors by **Grinnell Corporation** (1411 Lancaster Avenue, Columbia, PA 17512) in Columbia Borough, **Lancaster County**.

**36-309-055B.** Modification to an existing limestone pulverizing plant by **Martin Limestone, Inc., Weaverland**

**Quarry** (P. O. Box 550, Blue Ball, PA 17506) in East Earl Township, **Lancaster County**. The source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

*Northcentral Regional Office: Bureau of Air Quality, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**49-320-001.** Construction of a fiberboard printing operation by the **Celotex Corporation** (P. O. Box 267, Sunbury, PA 17801) in the City of Sunbury, **Northumberland County**.

*Northeast Regional Office: Bureau of Air Quality, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

An application for Plan Approval has been received by this office for construction, modification or reactivation of the air contamination sources and associated air cleaning devices described below for the specified companies.

Permit: **40-313-030B**

Source: Polymer Plants 1 and 2 w/2 Oxidizers

Received: March 3, 1997

Company: **KAMA Corporation**

Location: City of Hazleton

County: **Luzerne**

Permit: **45-323-002**

Source: Pyrolysis Oven w/Afterburner

Received: March 4, 1997

Company: **United Steel Products Company**

Location: East Stroudsburg Borough

County: **Monroe**

Permit: **48-313-079**

Source: Pigment Manufacturing w/Baghouse

Received: March 7, 1997

Company: **M A Hanna Color Company**

Location: City of Bethlehem

County: **Northampton**

Permit: **48-317-017**

Source: Baking Oven w/Catalytic Oxidizer

Received: March 11, 1997

Company: **Maiers Bakery Company**

Location: Palmer Township

County: **Northampton**

#### **REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT)**

**Applications received for Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations for an Operating Permit to comply with 25 Pa. Code § 129.91 for Reasonable Available Control Technology.**

*Southeast Regional Office: Bureau of Air Quality, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

There is a 30 day comment period from this date of publication.

The Department intends to issue an air quality operating permit for the air contaminant sources and associated air cleaning devices described for:

Permit: **OP-46-0056**

Source: Synthetic Minor NOx/VOC Facility

Company: **Hale Products, Inc.**

Location: Conshohocken

County: **Montgomery**

## **MINING**

### **CONDUCT COAL AND NONCOAL ACTIVITIES**

#### **MINING ACTIVITY APPLICATIONS**

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection. A copy of the application is available for inspection at the District mining office indicated above each application. Where a 401 water quality certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for such certification.

Written comments or objections, or requests for informal conferences on applications, may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

Where any of the mining activities listed below will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. Such NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition to the above, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit when necessary for compliance with water quality standards (in accordance with 25 Pa. Code Chs. 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the above-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

Written comments or objections should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.



*District Mining Operations, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.*

*Coal Applications Received*

**32970103. General Mining, Inc.** (R. D. 2, Box 194, Avonmore, PA 15618), commencement, operation and restoration of bituminous strip-auger mine in Young Township, **Indiana County**, affecting 113.0 acres, receiving stream Marshall Run and unnamed tributaries to Marshall Run, application received March 13, 1997.

**32860103.** Permit renewal, **Kraynak Coal Company** (R. D. 1, Mahaffey, PA 15757), commencement, operation and restoration of bituminous strip mine in Green and Rayne Townships, **Indiana County**, affecting 122.2 acres, receiving stream discharge to unnamed tributaries of Dixon Run, application received March 21, 1997.

*Bureau of District Mining Operations, R. D. 2, Box 603-C, Greensburg, PA 15601.*

**04970101. Kerry Coal Company** (P. O. Box 19, Portersville, PA 16051). Application received for commencement, operation and reclamation of a bituminous surface mine located in Darlington Township, **Beaver County**, proposed to affect 316.6 acres. Receiving streams unnamed tributaries to Dilworth Run, Coalbank Run, and North Fork Little Beaver Creek; Coalbank Run, North Fork Little Beaver Creek to Little Beaver Creek to the Ohio River. A social and economic justification is included. Application received March 12, 1997.

**63910103R. Pangeris Coal Company** (165 Old McKee Road, Oakdale, PA 15071). Renewal application received for continued operation and reclamation of a bituminous surface mine located in Robinson Township, **Washington County**. Receiving streams unnamed tributary to Robinson Run and Little Raccoon Run. Renewal application received March 19, 1997.

*Hawk Run District Office, P. O. Box 209, Hawk Run, PA 16840.*

**17910124. Al Hamilton Contracting Co.** (R. D. 1, Box 87, Woodland, PA 16881), renewal of an existing bituminous surface mine permit in Brady and Penn Townships, **Clearfield County** affecting 393 acres, receiving streams an unnamed tributary of Laurel Branch Run to Laurel Branch Run; unnamed tributaries to Beech Run, and Beech Run; Beech Run and Laurel Branch Run to east branch Mahoning Creek, east branch Mahoning Creek to Mahoning Creek, Mahoning Creek to the Allegheny River, application received March 3, 1997.

**17840117. K & J Coal Co., Inc.** (P. O. Box 189, Westover, PA 16692), permit revision for a Change In Land Use from forestland to pastureland or land occasionally cut for hay, Jordan Township, **Clearfield County**, application received March 6, 1997.

**17970102. EnerCorp, Inc.** (R. D. 2, Box 236, Morrisdale, PA 16858), commencement, operation and restoration of a bituminous surface mine permit in Graham Township, **Clearfield County** affecting 58.9 acres, receiving streams Alder Run, Flat Run, application received March 10, 1997.

**17733009. R. S. Carlin, Inc.** (P. O. Box 395, Snow Shoe, PA 16874), revision to an existing bituminous surface mine permit to allow the use of biosolids from the City of York, Lehigh County Pretreatment Facility, or the Valley Forge Sewer Authority in place of commercially available nutrient products, to fertilize and revegetate strip mined land at the Carlin Mine Site 22, Snow Shoe

Township, **Centre County** affecting approximately 122.5 acres, application received March 14, 1997.

**17970103. Ecklund Coal Co., Inc.** (R. D. 1, Box 109, Irvona, PA 16656), commencement, operation and restoration of a bituminous surface mine permit in Bigler Township, **Clearfield County** affecting 33.2 acres, receiving streams Alexander Run to Clearfield Creek, application received March 18, 1997.

*District Mining Operations, P. O. Box 669, Knox, PA 16232.*

**33860108. M. B. Energy, Inc.** (P. O. Box 1319, Indiana, PA 15701). Renewal of an existing bituminous surface strip operation in Winslow Township, **Jefferson County** affecting 46.0 acres. Receiving streams an unnamed tributary to Trout Run. Application for reclamation only. Application received March 10, 1997.

**16830107. Dunamis Resources, Inc.** (One Energy Place, Suite 4000, Latrobe, PA 15650). Transfer of an existing bituminous surface mine operation in Perry and Toby Townships, **Clarion County** affecting 124.0 acres. Receiving streams an unnamed tributary to Fiddlers Run. Transfer from Crispin Contracting, Inc. Application received March 12, 1997.

**16920104. Ancient Sun, Inc.** (P. O. Box 129, Shippenville, PA 16254). Renewal of an existing bituminous surface strip operation in Perry and Toby Townships, **Clarion County** affecting 89.9 acres. Receiving streams an unnamed tributary to Black Fox Run and Black Fox Run. Application received March 14, 1997.

**102896-16960109-E-2. Milestone Crushed, Inc.** (521 South Street, Clarion, PA 16214). Application for a stream encroachment to construct a haulroad across Dunlap Creek for the purpose of connecting the mine site with a preparation plant in Perry Township, **Clarion County**. Application received March 18, 1997.

*Mining and Reclamation, 3913 Washington Road, McMurray, PA 15317.*

**32921302. Helvetia Coal Company,** (P. O. Box 729, Indiana, PA 15701), to revise the permit for the Marshall Run bituminous deep mine in Young Township, **Indiana County** to add 4 inch vent borehole, no additional discharge. Application received March 17, 1997.

**30753712. Cyprus Emerald Resources Corporation,** (145 Elm Drive, P. O. Box 1020, Waynesburg, PA 15370), to revise the permit for the Emerald No. 1 Coal Refuse Disposal Area in Franklin Township, **Greene County** for sludge utilization, no additional discharge. Application received March 10, 1997.

**30743702. Consolidation Coal Company,** (200 Hidden Valley Road, McMurray, PA 15317), to renew the permit for the Blacksville No. 1 Refuse Area in Wayne Township, **Greene County**, no additional discharge. Application received February 13, 1997.

**10841302. BethEnergy Mines, Inc.,** (P. O. Box 143, Eighty Four, PA 15330-0143), to renew the permit for the Fawn No. 91 bituminous deep mine in Clinton Township, **Butler County** for renewal-reclamation only, no additional discharge. Application received March 7, 1997.

**17921604. Waroquier Coal Company,** (P. O. Box 128, Clearfield, PA 16830), to revise the permit for the Truck Tipple in Lawrence Township, **Clearfield County** to add .4 permit acres and enclose 380 feet of stream, no additional discharge. Application received February 18, 1997.

*Mineral Resources Management—District Mining, Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

**54860205R2. Cass Contracting Company,** (Box 1040, 101 North Centre Street, Pottsville, PA 17901), renewal to existing coal refuse disposal, bank and reclamation operation in Norwegian Township, **Schuylkill County**, affecting 33.0 acres, receiving stream Schuylkill River. Application received March 12, 1997.

*Mineral Resources Management—District Mining, Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

#### *Noncoal Permits Received*

**58930301C. Red Oak Sand and Gravel, LLC,** (P. O. Box 25, Kingsley, PA 18826), name change from Richard S. Masters in Oakland Township, **Susquehanna County** affecting 26.0 acres, receiving stream none. Application received March 14, 1997.

**40870301C3. Small Mountain Quarry, Inc.,** (125 Warren Street, West Hazleton, PA 18201), renewal of NPDES Permit #PA0593818 in Dorrance Township, **Luzerne County**, receiving stream Balliet Run and Warrior Creek. Application received March 20, 1997.

## **APPLICATIONS RECEIVED UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT**

### **ENCROACHMENTS**

The following Dam Safety and Encroachment permit applications and requests for Environmental Assessment approval and requests for water quality certification have been received by the Department of Environmental Protection (Department).

In addition to permit applications, the Bureau of Dams, Waterways and Wetlands (BDWW) and the Regional Office Soils and Waterways Sections have assumed primary responsibility for processing requests for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)), for projects requiring both a Dam Safety and Encroachments Permit, and a United States Army Corps of Engineers (ACOE) permit. Section 401(a) of the Federal Water Pollution Control Act requires the State to certify that the involved projects will not violate the applicable provision of 33 U.S.C.A. §§ 1301—1303, 1306 and 1307, as well as relevant State requirements. Initial requests for 401 Certification will be published concurrently with the BDWW permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Safety or Encroachment Permit, or the approval of Environmental Assessments must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the Bureau or Field Office indicated as the responsible office.

**Applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401 of the Federal Water Pollution Control Act.**

*Southcentral Regional Office: Water Management Program, Soils and Waterways Section, One Ararat Boulevard, Room 126, Harrisburg, PA 17110, telephone (717) 657-4590.*

**E06-488. Encroachment. Blase L. Gavlick,** Foundation for the Reading Public Museum, 500 Museum Road, Reading, PA 19611-1412. To construct a parking area within the floodway of Wyomissing Creek at a point at Museum Road and Parkside Drive South (Reading, PA Quadrangle N: 14.1 inches; W: 10.7 inches) in Reading City, **Berks County**.

**E07-277. Encroachment. R & M Family Limited Partnership,** Robert Pennington, 300 Union Avenue, Altoona, PA 16602. To remove an existing 36 inch diameter rap, 200 foot long stream enclosure and to construct and maintain a precast concrete box culvert stream enclosure having a span of 6.0 feet and a rise of 3.0 feet and a length of 365 feet which will require the relocation of about 500 feet of a partially enclosed stream channel of an unnamed tributary to the Beaverdam Branch of the Juniata River located along the north side of Newry Lane (SR 2012), 1.6 miles east of Hollidaysburg (Hollidaysburg, PA Quadrangle N: 8.5 inches; W: 4.6 inches) in Blair Township, **Blair County**.

**E21-262. Encroachment. Mark McNaughton,** The McNaughton Company, 4400 Deer Path Road, Harrisburg, PA 17110. To place fill material in a 0.05 acre de minimus wetland in order to construct a berm of a proposed detention pond of Westbury—Phase IV and VI subdivision located on the north side of PA 944 (Wertzville Road) and about 0.8 mile west of the I-81 and PA 944 intersection (Harrisburg West, PA Quadrangle N: 7.0 inches; W: 17.25 inches) in Hampden Township, **Cumberland County**.

**E44-085. Encroachment. Granville and Oliver Townships,** Edward Fike, 1 Helen Street, Lewistown, PA 17044. To remove an existing structure and to construct and maintain a single span composite prestressed concrete spread box beam bridge in Strodes Run having a clear normal span of 30.0 feet and a minimum underclearance of about 7.0 feet located on Strodes Run Road (T-710) about 1,400 feet north of its intersection with US Route 22/522 (Belleville, PA Quadrangle N: 9.5 inches; W: 7.0 inches) in Granville and Oliver Townships, **Mifflin County**.

**E50-182. Encroachment. Robert Mumper,** Toboyne Township, R. D. 1 Box 168, Blain, PA 17006. To remove a damaged existing bridge and to construct and maintain a bridge having a clear span of 37 feet and an underclearance of 6 feet across the channel of Shaeffer Run at a point at Black Hollow Road (Blain, PA Quadrangle N: 5.0 inches; W: 5.5 inches) in Toboyne Township, **Perry County**.

**E50-183. Encroachment. John Rautzahn,** Dept. of Transportation, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103. To remove an existing structure and to construct and maintain a bridge having a clear span of 27.4 feet and an underclearance of 3.93 feet across the channel of Muddy Run at a point at SR 0274-007 (Landisburg, PA Quadrangle N: 21.0 inches; W: 13.5 inches) in Tyrone Township, **Perry County**.

**E67-584. Encroachment. Hoss's Steak & Sea House,** John Young, One 764 Plaza, P. O. Box 1018, Duncansville, PA 16635. To enclose 250 linear feet of an unnamed tributary to Kreutz Creek to expand an existing parking lot at Hoss's Restaurant located south of SR 0462 approximately 4.8 miles east of I-83 (York, PA Quadrangle N: 19.4 inches; W: 3.9 inches) in Springettsbury Township, **York County**.

*Northwest Regional Office: Soils and Waterways Section, 230 Chestnut Street, Meadville, PA 16335-3481, telephone (814) 332-6942.*

**E27-054.** Encroachment. **Department of Transportation**, Engineering District 1-0, 1140 Liberty Street, Franklin, PA 16323-1289. To remove existing steel I-Beam bridge and to construct and maintain a 14-foot-wide by 8-foot-high reinforced concrete box culvert on a 60° skew across Blue Jay Creek (HQ-CWF, Trout Stocked, Wild Trout). The project is on SR 1003 across Blue Jay Creek approximately 4,000 feet northwest of the intersection of SR 1003 and SR 0066 located in the Village of Pigeon. This project will also include placement of the bottom of the box culvert 1 foot below existing stream bed elevation to allow for passage of aquatic organisms (Lynch, PA Quadrangle N: 7.3 inches; W: 7.7 inches), located in Howe Township, **Forest County**.

*Northcentral Region: Water Management, Soils and Waterways Section, F. Alan Sever, Chief, 208 West Third St., Suite 101, Williamsport, PA 17701.*

**E41-399.** Encroachment. **Department of Transportation**, 715 Jordan Ave., Montoursville, PA 17754. To pave and maintain the streambed beneath the bridge that carries SR 1006-0210/1605 across an unnamed tributary to Wallis Run for bridge abutment and wingwall scour protection. The proposed activities shall consist of placing cement in scoured footing areas and paving the streambed with 6 inches of concrete. The project is located along the northern right-of-way of SR 1006 approximately 125.0 feet east of the intersection of Frymire Road and SR 1006 (Barbours, PA Quadrangle N: 7.3 inches; W: 16.0 inches) in Cascade Township, **Lycoming County**. Estimated stream disturbance is 26.0 linear feet with no wetland impact; stream classification is High Quality-Cold Water Fishery.

*Southwest Regional Office: Soils and Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 442-4000.*

**E02-243-A1.** Encroachment. **Patricia Ancarana**, 401 River Road, Port Vue, PA 15132. To amend Permit No. E02-243 to construct and maintain an additional docking facility in the Youghiogheny River (WWF) located 0.3 mile from the Monongahela River (McKeesport, PA Quadrangle N: 17.9 inches; W: 16.8 inches) in Port Vue, **Allegheny County**.

**E02-1182.** Encroachment. **DGS/Engineering & Architecture**, 18th and Herr Sts., Harrisburg, PA 17125. To construct and maintain a flood protection project along McLaughlin Run for the purpose of preventing flooding to McLaughlin Run Extension starting above Church Road and ending below Couch Road (Bridgeville, PA Quadrangle N: 14.5 inches; W: 6.7 inches). The project is to consist of a debris basin, 2,460 feet of a box culvert, and a 567-foot, 12' wide x 6 to 7' deep concrete channel with 247 feet of trapezoidal grouted riprap channel which will be 20 feet wide at the bottom with 1 to 1 slope and 4.5-foot depth. The project is in Bethel Park Borough, **Allegheny County**.

**E02-1183.** Encroachment. **Town of McCandless**, 9955 Grubbs Road, Wexford, PA 15090. To remove existing structure and to construct and maintain a 4.5' x 8' box culvert, 40' long in Little Pine Creek (TSF) located on Remington Drive approximately 1,000' north of Remington and Peebles Road (Emsworth, PA Quadrangle N: 11.5 inches; W: 2.0 inches) in Town of McCandless, **Allegheny County**.

**E02-1184.** Encroachment. **Richland Township**, 4011 Dickey Road, Gibsonia, PA 15044. To remove existing structure and to construct and maintain two culvert extensions, one 8' x 6' and one 7' x 5', each 32' long in

Willow Run (TSF) and an unnamed tributary to Willow Run for the purpose of improving the intersection of Grubbs Road and SR 910 (Valencia, PA Quadrangle N: 0.9 inch; W: 13.1 inches) in Richland Township, **Allegheny County**.

**E56-276.** Encroachment. **John J. Cable**, 126 Soap Hollow Rd., R. R. 2, Holsopple, PA 15935. To remove approximately 200 feet of existing CMP stream enclosure and to restore and stabilize the channel of an unnamed tributary to the South Fork of Bens Creek (HQ-CWF) for purpose of eliminating erosion and sedimentation. The project is located near intersection of Soap Hollow Road and Moonlite Park Road (Hooversville, PA Quadrangle N: 18.6 inches; W: 14.3 inches) in Conemaugh Township, **Somerset County**.

**E63-066-A1.** Encroachment. **Dredge Docks, Inc.**, 1231 River Avenue, Pittsburgh, PA 15212. To amend Permit No. E63-066 to extend existing barge loading facility 175 feet with a mooring area 140 feet wide along the left bank of the Monongahela River (WWF) near Mile Marker 38.9 (Monongahela, PA Quadrangle N: 7.1 inches; W: 0.4 inch) in Carroll Township, **Washington County**.

**E63-425.** Encroachment. **Joseph J. and Patricia K. Salandra**, 49 Locust Street, Muse, PA 15350. To operate and maintain the relocated channel of an unnamed tributary to Brush Run and the existing 4-foot diameter culvert in an unnamed tributary to Brush Run located just southwest from the intersection of School Street and Locust Avenue on the East side of Main Street (Canonsburg, PA Quadrangle N: 7.8 inches; W: 10.5 inches) in Cecil Township, **Washington County**.

**E63-426.** Encroachment. **Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106-7676. To construct and maintain the following as part of the construction of 2.9 miles of divided, limited access highway known as the Mon/Fayette Expressway, Construction Section 52H: 820' of culvert in Hustin Run (WWF); 965' of culvert in an unnamed tributary to Peters Creek; 40' of culvert in Peters Creek (TSF); 370' of channel relocation in an unnamed tributary to Mingo Creek (TSF); 444' of channel relocation in an unnamed tributary to Hustin Run; 65' of channel relocation in Hustin Run; 227' of channel relocation in Peters Creek; 2582' of channel relocation in an unnamed tributary to Peters Creek; and fill placement in 0.32 acre of wetlands (PEM). The wetland will be replaced under the 4.5 acre of replacement wetlands approved under DEP File No. E02-1132. The project begins off of Finleyville Elrama Road (Monongahela and Glassport PA Quadrangles) in Union Township, **Washington County**.

**E63-427.** Encroachment. **Eighty Four Development Corp.**, P. O. Box 177, Eighty Four, PA 15330. To relocate, enclose and maintain two unnamed tributaries to Chartiers Creek (HQ-WWF) and to place and maintain fill in 0.19 acre of wetlands for the purpose of expanding the Franklin Mall located east of the intersection of Ridgewood Drive and Interstate Route 70 (Washington West, PA Quadrangle N: 5.3 inches; W: 4.5 inches) in North Franklin Township, **Washington County**.

**E63-428.** Encroachment. **Department of Transportation**, P. O. Box 459, Uniontown, PA 15401. To remove the existing dual bridges and to construct and maintain dual, three-span bridges having clear spans of 80.5 feet, 83.0 feet, and 52.5 feet, and an underclearance of 36.5 feet over Tenmile Creek (TSF). During pier removal and construction, temporary causeways and cofferdams will be constructed and maintained. The project is located at the

Marianna Exit off of I-79, approximately 1.3 miles north of the Greene-Washington County line (Amity, PA Quadrangle N: 3.2 inches; W: 7.1 inches) in Amwell Township, **Washington County**.

**E65-664.** Encroachment. **Continuing Care Concepts Inc.**, c/o Dataplan Inc., 347 Franklin St., Slippery Rock, PA 16057. To place and maintain fill in 0.2 acre of wetlands (PEM) for the purpose of constructing a 38-bed patient care facility along old William Penn Highway (Murrysville, PA Quadrangle N: 8.4 inches; W: 2.9 inches) in the Municipality of Murrysville, **Westmoreland County**.

*Northeast Regional Office: Regional Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 826-5485.*

**E40-461.** Encroachment. **Rose Marie Kovalski and Mary Smulowitz**, 17 Beaumont Street, Wilkes-Barre, PA 18702. To maintain an existing dock, having a width of approximately 10 feet, extending approximately 20 feet from the shoreline; to construct and maintain a stone masonry retaining wall and to place fill behind the retaining wall, extending approximately 5 feet lakeward from the shoreline for a length of approximately 50 feet along the shoreline, for the purpose of constructing a parking area; and to construct and maintain a dock and boathouse, having overall dimensions of 30 feet by 30 feet, extending lakeward from the retaining wall in Harveys Lake (HQ-CWF). Work on the retaining wall/fill is partially complete. The project is located at Pole #229, Lakeside Drive (Harveys Lake, PA Quadrangle N: 21.0 inches; W: 6.0 inches), in Harvey's Lake Borough, **Luzerne County** (Baltimore District, Army Corps of Engineers).

**E52-149.** Encroachment. **Harry and Barbara Buchanan**, R. R. 4, Box 4200, Milford, PA 18337. To construct and maintain approximately 720 L. F. of channel relocation and two 8-foot by 5-foot precast concrete box culverts, 80 feet apart, in the relocated channel of Crawford Branch Creek (HQ-CWF). This project will provide buildable area for the proposed Terryview Properties Shopping Center, located on the north side of Route 6/209, 2 miles east of Milford Borough (Milford, PA Quadrangle N: 15.8 inches; W: 4.2 inches) in Milford Township, **Pike County** (Philadelphia District, Army Corps of Engineers).

*Southeast Regional Office: Program Manager, Water Management Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**E15-329.** Encroachment. **Department of Transportation**, 200 Radnor Chester Road, St. Davids, PA 19087. To remove the existing structure and to construct and maintain a bridge having a clear span of 48.5 feet on a 60° skew with an underclearance of 8.9 feet across Hodgson Run at 119+83 on S. R. 3005 (L. R. 15015), Segment 0020, Offset 1560, located on Lewisville-New London Road approximately 0.4 mile northeast of the intersection of Lewisville-New London Road, Rudolphs Camp Bonsall Road and Thunderhill Road, (West Grove, PA-DEL Quadrangle N: 0.45 inches; W: 16.9 inches) in New London Township, **Chester County**.

#### ENVIRONMENTAL ASSESSMENT

**Requests for Environmental Assessment approval under 25 Pa. Code § 105.15 and requests for certification under section 401 of the Federal Water Pollution Control Act.**

*DEP Central Office: Bureau of Waterways Engineering, 400 Market Street, 6th Floor, P. O. Box 8554, Harrisburg, PA 17105-8554, telephone (717) 787-8568.*

**EA16-001C0.** Environmental assessment. **GPU Generation, Inc.** (100 Broad Street, Johnstown, PA 15907-2498). To construct a temporary cofferdam consisting of synthetic bags filled with concrete (grout) in the Clarion River (CWF) immediately below Piney Dam. The temporary cofferdam will be approximately 300 feet long by 14 feet high and is needed to dewater the downstream toe of the dam to facilitate repairs and restoration work to the dam. (Clarion, PA Quadrangle N: 12.1 inches; W: 8.2 inches) in Piney and Paint Townships, **Clarion County**.

*Southwest Regional Office: Soils and Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Environmental Assessment and Request for 401 Certification*

**EA04-001SW.** Bureau of Abandoned Mine Reclamation, P. O. Box 8476, Harrisburg, PA 17105-8476. To place and maintain fill in 0.94 acre of wetlands (PEM) and 1.64 acres of open water as part of a restoration of an abandoned strip mine which will eliminate dangerous highwalls. The project is located 1,800 feet east of Stateline Road (East Liverpool North, OH-PA-WV Quadrangle: N: 22.2 inches; W: 1.2 inches) in South Beaver Township, **Beaver County**.

#### ACTIONS

### FINAL ACTIONS TAKEN UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

**[National Pollution Discharge Elimination System Program (NPDES)]**

#### DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

##### (Part I Permits)

The Department of Environmental Protection has taken the following actions on previously received permit applications and requests for plan approval and has issued the following significant orders.

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audio tape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should

contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

**Industrial waste and sewerage applications under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).**

*Northwest Regional Office: Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, telephone (814) 332-6942.*

**WQM Permit No. 1694201.** Industrial waste. **County Environmental of Clarion**, P. O. Box 237, Leeper, PA 16233. This is for an amendment to construct and operate a municipal leachate treatment system in Farmington Township, **Clarion County**.

*Southeast Regional Office: Regional Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, telephone (610) 832-6130.*

**NPDES Permit No. PA0057061.** Sewerage. **Upper Frederick Township**, P. O. Box 597, Frederick, PA 19435 and **JRP Development LTD**, 210 Bassett Court, Limerick, PA 19468 is authorized to discharge from a facility located in Upper Frederick Township, **Montgomery County** into Scioto Creek.

**NPDES Permit No. PA0057070.** Sewerage. **Helen Pepe**, No. 5, Dudie Drive, Newtown Square, PA 19073 is authorized to discharge from a facility located in Newtown Township, **Delaware County** into an unnamed tributary to Hunter Run.

**NPDES Permit No. PA0036447.** Industrial waste. **Naval Ship System's Engineering Station**, Naval Surface Warfare Center—Carderock Division, Philadelphia Naval Base, Philadelphia, PA 19112-5083 is authorized to discharge from a facility located in the City of Philadelphia, **Philadelphia County** into the Delaware Estuary—Zone 4.

**NPDES Permit No. PA0036455.** Industrial waste. **Naval Facilities Engineering Command—Northern Division**, Philadelphia—Naval Complex, South Broad Street, Philadelphia, PA 19112 is authorized to discharge from a facility located in the City of Philadelphia, **Philadelphia County** into the Delaware and Schuylkill Rivers.

**NPDES Permit No. PA0054194.** Sewerage. **The West Company**, 101 Gordon Drive, Lionville, PA 19341-0645 is authorized to discharge from a facility located in the Borough of Phoenixville, **Chester County** into the French Creek.

**Permit No. 1597401.** Sewerage. **Oxford Area Sewer Authority** (P. O. Box 380, 401 Market Street, Oxford, PA 19636-0380). For the upgrade and modifications to a pump station located in Oxford Township, **Chester County** to serve Sixth Street Pump Station.

**Permit No. 1593412.** Amendment No. 1. Sewerage. **Uwchlan Township** (P. O. Box 255, Lionville, PA 19353). Replacement of chlorine disinfection system with UV disinfection located in Uwchlan Township, **Chester County** to serve Eagleview Corporate Center.

**Permit No. 4697402.** Sewerage. **Worcester Township** (1721 Valley Forge Road, P. O. Box 767, Worcester, PA 19490). Construction of a gravity sewer system, pump station and force main located in Worcester Township, **Montgomery County** to serve Chadwick Place Residential Development.

**Permit No. 2396405.** Amendment No. 1. Sewerage. **Claude de Botton** (1604 Walnut Street, Philadelphia, PA 19103). Approval to change the location of Monitoring Well MW3 located in Edgmont Township, **Delaware County** to serve Regal Theater Wastewater Treatment Plant.

**Permit No. 4696416.** Amendment No. 1. Sewerage. **West Norriton Township Municipal Authority** (1634 West Marshall Street, Jeffersonville, PA 19403). Construction of sewers and appurtenances located in West Norriton Township, **Montgomery County** to serve Port Indian Road Pump Station.

*Southwest Regional Office: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 442-4000.*

**NPDES Permit No. PA0090522.** Industrial waste, **Gabriel Sacco**, Box 368, Ridge Road, Ambridge, PA 15003 is authorized to discharge from a facility located at Sacco Disposal Site (Ambridge Landfill), Ambridge Borough, **Beaver County** to Ohio River.

**NPDES Permit No. PA0026581.** Sewage, **Westmoreland-Fayette Municipal Sewage Authority**, P. O. Box 126, Scottdale, PA 15683 is authorized to discharge from a facility located at Scottdale Sewage Treatment Plant, Scottdale Borough, **Westmoreland County**.

**NPDES Permit No. PA0027669.** Amendment No. 1. Sewage, **McCandless Township Sanitary Authority**, 9600 Perry Highway, Pittsburgh, PA 15237 is authorized to discharge from a facility located at Pine Creek STP, Hampton Township, **Allegheny County**.

**NPDES Permit No. PA0028177.** Amendment No. 1. Sewage, **McCandless Township Sanitary Authority**, 9600 Perry Highway, Pittsburgh, PA 15237 is authorized to discharge from a facility located at A & B STP, McCandless Township, **Allegheny County**.

**NPDES Permit No. PA0031470.** Sewage, **Penns Manor Area School District**, R. D. 2, Box 446, Clymer, PA 15728-9434 is authorized to discharge from a facility located at Penns Manor Area High School Sewage Treatment Plant, Cherryhill Township, **Indiana County** to Rose Run.

**NPDES Permit No. PA0096997.** Sewage, **New Plan Realty Trust**, 1120 Avenue of the Americas, New York, NY 10036 is authorized to discharge from a facility located at Cross Roads Plaza Sewage Treatment Plant, East Huntingdon Township, **Westmoreland County** to unnamed tributary of Jacobs Creek.

**NPDES Permit No. PA0217000.** Amendment No. 1. Sewage, **U. S. Army Corps of Engineers**, 1000 Liberty Avenue, Pittsburgh, PA 15222-4186 is authorized to discharge from a facility located at Maxwell Locks and Dam Small Flow Sewage Treatment Plant, Luzerne Township, **Fayette County**.

**Permit No. 6377204.** Amendment No. 1. Industrial waste, **Langeloth Metallurgical Company**, P. O. Box 608, Langeloth, PA 15054. Construction of industrial inorganic chemicals, located in the Township of Smith, **Washington County** to serve the Langeloth Conversion Plant.

**Permit No. 0396402.** Sewerage, **Edward L. Soloski**, 301 South Jefferson Street, Kittanning, PA 16201. Construction of sanitary sewers and sewage treatment plant located in the Township of East Franklin, **Armstrong County** to serve the Audubon Estates Phase I.

**Permit No. 3279406.** Amendment No. 2. Sewerage, **Borough of Indiana**, 80 North Eighth Street, Indiana, PA 15701. Construction of water pollution control plant, located in the Borough of Indiana, **Indiana County** to Indiana Borough.

*Northeast Regional Office: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 826-2511.*

**Permit No. 3997401.** Sewerage. **Lower Macungie Township Board of Supervisors**, 3400 Brookside Road, Macungie, PA 18062. Permit to construct and operate a sewage collection system to serve the Lehigh Valley South Industrial Park, located in Lower Macungie Township, **Lehigh County**.

**Permit No. 5296201.** Industrial waste. **Milford Laundry and Dry Cleaning, Inc.**, 307 West Harford Street, Milford, PA 18337. Permit to construct and operate industrial wastes treatment facilities to serve Milford Laundry and Dry Cleaning, Inc., located in Milford Borough, **Pike County**.

**Permit No. 6496201.** Industrial waste. **Fox Ledge, Inc.**, R. R. 1, Box 555, Honesdale, PA 18431. Permit to construct and operate industrial wastes treatment facilities to serve Fox Ledge, Inc., located in Mount Pleasant Township, **Wayne County**.

**NPDES Permit No. PA0062910.** Sewage. **Borough of Bowmanstown**, P. O. Box 127, Bowmanstown, PA 18030 is authorized to discharge from a facility located in Bowmanstown Borough, **Carbon County** to the Lehigh River.

**NPDES Permit No. PA0023051.** Sewerage. **Borough of Palmerton**, 443 Delaware Avenue, Palmerton, PA 18071 is authorized to discharge from a facility located in

Palmerton Borough, **Carbon County** to Aquashicola Creek.

**NPDES Permit No. PA0062766.** Sewerage. **Henry A. Stout**, 6427 Saddle Road, New Tripoli, PA 18066 is authorized to discharge from a facility located in Heidelberg Township, **Lehigh County** to a drainage swale of Jordan Creek.

**NPDES Permit No. PA0062863.** Sewage. **Pike County Commissioners**, Pike County Administration Building, 506 Broad Street, Milford, PA 18337 is authorized to discharge from a facility located in Blooming Grove Township, **Pike County** to Billing Creek.

**NPDES Permit No. PA0063592.** Sewerage. **Borough of Gilberton**, Municipal Building, Main Street, Gilberton, PA 17934 is authorized to discharge from a facility located in Gilberton Borough, **Schuylkill County** to Mahanoy Creek.

**NPDES Permit No. PA0060186.** Sewerage. **Elk Meadows Association**, R. R. 1, Box 120-B, Uniondale, PA 18470 is authorized to discharge from a facility located in Herrick Township, **Susquehanna County** to an unnamed tributary of east branch Tunkhannock Creek.

#### INDIVIDUAL PERMITS

(PAS)

**The following approvals from coverage under NPDES Individual Permit for Discharge of Stormwater from Construction Activities have been issued.**

*Northcentral Region: Water Management, Soils and Waterways Section, F. Alan Sever, Chief, 208 West Third St., Williamsport, PA 17701.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS101911	Wal-Mart Stores, Inc. 701 South Walton Blvd. Bentonville, AK 72716-0095	Clinton County Bald Eagle Twp.	Bald Eagle Creek

*Southeast Regional Office: Regional Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428-2233, telephone (610) 832-6130.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10-D083	Cedarcrest Farm Limited Partnership 1795 South Easton Road Doylestown, PA 18901	Doylestown Township Bucks County	Neshaminy Creek
PAS10-D090	John Hagan, Jr. 6450 Middleton Lane New Hope, PA 18938	Solebury Township Bucks County	Unnamed tributary of Paunacussing Creek
PAS10-G227	Krapf Homes, Inc. 70 Sean Lane Glenmoore, PA 19343	Wallace Township Chester County	East Branch Brandywine Creek/ Delaware Watershed
PAS10-G230	Wooldridge Construction of PA, Inc. 1500 Green Hill Road West Chester, PA 19380	East Goshen Township Chester County	West Branch Ridley Creek
PAS10-G235	William Hammell R. D. 1, Box 301 Honeybrook, PA 19343	West Brandywine Township Chester County	Unnamed Tributary of Beaver Creek

*Southcentral Regional Office: Water Management Program, Soils and Waterways Section, One Ararat Boulevard, Room 126, Harrisburg, PA 17110, telephone (717) 657-4590.*

**PAS-10-Y058.** Individual NPDES. **Lutheran Social Services**, 1050 Pennsylvania Avenue, York, PA 17404. To implement an Erosion and Sedimentation Control Plan for a residential retirement community to be known as The Village at Sprenkle Drive on 32.1 acres in Manchester Township, **York County**. The project is located north of Pennsylvania Avenue 0.5 mile from S. R. 0030 (York, PA Quadrangle N: 20.6 inches; W: 17.4 inches). Drainage will be to Codorus Creek.

**INDIVIDUAL PERMITS  
(PAR)**

**Approvals to use NPDES General Permits**

The following parties have submitted Notices of Intent (NOI) for Coverage under General NPDES Permits to discharge wastewater into the surface waters of the Commonwealth of Pennsylvania. The Department of Environmental Protection approves the following coverages under the specified General Permit. This approval is subject to applicable effluent limitations, monitoring and reporting requirements and other conditions set forth in the General Permit.

The EPA Region III Regional Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.24.

The application and related documents, effluent limitations and special conditions, and other information are on file and may be inspected and arrangements made for copying at the contact office noted.

List of NPDES General Permits issued by Department of Environmental Protection:

*NPDES General Permit Type*

PAG-1	General Permit For Discharges From Stripper Oil Well Facilities
PAG-2	General Permit For Discharges of Stormwater From Construction Activities
PAG-3	General Permit For Discharges of Stormwater From Industrial Activities
PAG-4	General Permit For Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit For Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit For Wet Weather Overflow Discharges From Combined Sewer Systems

*Facility Location  
County and  
Municipality*

*Permit No.*

*Applicant Name  
and Address*

*Receiving Stream or  
Body of Water*

*Contact Office and  
Telephone No.*

Castle Shannon Allegheny County	PAG056102	Cumberland Farms, Inc. 777 Dedham Street Canton, MA 02021	Sawmill Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Butler Township Butler County	PAG058305	Pennzoil Products Company Purvis Brothers Bulk Plant P. O. Box 2967 Houston, TX 77252	Connoquenessing Crk.	Department of Environmental Protection Water Management Northwest Region 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Irwin Township Venango County	PAG058301	BP Oil and Exploration Company 200 Public Square Cleveland, OH 44114	Unnamed Tributary to Slippery Rock Crk.	Department of Environmental Protection Water Management Northwest Region 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Snyder Township Jefferson County	PAG058304	Luke's Auto Service Center R. D. 3, Box 66 Route 219 Brockway, PA 15824	Unnamed Tributary to Little Toby Creek	Department of Environmental Protection Water Management Northwest Region 230 Chestnut St. Meadville, PA 16335 (814) 332-6942

## SEWAGE FACILITIES ACT PLAN APPROVAL

### Plan approval granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20).

*Northwest Regional Office: Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, telephone (814) 332-6942.*

*Location:* Wilmington Township, **Lawrence County**.

**Wilmington Township Supervisors**, R. D. 5, Box 469, New Castle, PA 16105.

*Project Description:* The approved plan provides for construction of sewers to replace inadequate onlot systems presently serving six buildings on Pennsylvania Route 158.

The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

## SAFE DRINKING WATER

### Permit issued under the Pennsylvania Safe Drinking Water Act (35 P. S. § 721.1—721.17)

*Northcentral Field Operations: Water Supply Management, 208 West Third Street, Suite 101, Williamsport, PA 17701.*

**4410166-MA2.** The Department has issued a construction permit to **Foxcroft Manor Mobile Home Park** (P. O. Box 438, Montoursville, PA 17754, Muncy Creek Township, **Lycoming County**) for construction of a 3,000 gallon storage tank and associated booster pumps.

### Actions taken under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17)

*Northeast Regional Office: Sanitarian Regional Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 826-2511.*

**Permit No. 5289520.** Public water supply. **Paupack Water Company-Tanglewood Lakes 507 Area**, c/o Harold Gumble, Manager, P. O. Box 257, Hawley, PA 18428. This proposal involves the permitting of an existing public water supply system consisting of two wells, disinfection facilities, one pump station, distribution storage and distribution system. It is located in Palmyra Township, **Pike County**.

*Permit to Operate:* February 21, 1997.

**Permit No. 4894503.** Public water supply. **Heritage Village Water Company**, c/o Larry Turoscy, 435 Main Street, P. O. Box 68, Walnutport, PA 18088. This proposal involves the permitting of a new public water supply to serve a 155 home residential development. The system will consist of two wells, disinfection, storage, booster pumps and a distribution system. The development will discharge to a public sewer system. It is located in Lehigh Township, **Northampton County**.

*Permit to Operate:* March 10, 1997.

*Regional Office: Sanitarian Regional Manager, One Ararat Boulevard, Harrisburg, PA 17110, telephone (717) 657-4692.*

**Permit No. 0196505.** Public water supply. **Castle Hill Mobile Home Park**, Straban Township, **Adams County**, (David J. Remmel, General Partner, Pike Management, 20 Erford Road, Suite 215, LeMoyne, PA 17043), new well no. 2 to serve the Castle Hill Mobile Home Park. A permitted capacity of 35 gpm is sought for well

no. 2. Proposal also includes modification of treatment facilities to include hypochlorite disinfection and manganese sequestration. The distribution system will also be expanded to serve a total of 44 lots.

**Permit No. 6796504.** Public water supply. **Red Lion Municipal Authority**, Windsor Township, **York County**, (Henry P. Herrman, Red Lion Municipal Authority Chairman, P. O. Box 190, Red Lion, PA 17356), implementation of lead and copper corrosion control program by reducing finished water pH and adding zinc orthophosphate.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### Under Act 2, 1995

#### Preamble 3

The following final reports were submitted to the Department of Environmental Protection under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection to publish in the *Pennsylvania Bulletin* a notice of submission of any final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed, and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning the final report, please contact the Environmental Cleanup Program in the Department of Environmental Protection Regional Office under which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office listed. TDD users may telephone the Department through the AT&T Relay Service at 1 (800) 654-5984.

The Department has received the following final reports.

*Southcentral Regional Office: Environmental Cleanup Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4592.*

**Lippert Family Tract**, Carlisle Borough, **Cumberland County**. John Lippert, et al., 1201 Newville Road, Carlisle, PA 17103 has submitted a Final Report concerning remediation of site groundwater contaminated with solvents. The report is intended to document remediation of the site to meet the background standard.

## SOLID AND HAZARDOUS WASTE

### LICENSE TO TRANSPORT HAZARDOUS WASTE

### Renewal licenses issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.

*Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*



**Adcom Express, Inc.**, 17650 Duval Drive, Tinley Park, IL 60477; License No. **PA-AH A158**; renewal license issued March 18, 1997.

**M. C. Tank Transport, Inc.**, 10134 Mosteller Lane, West Chester, OH 45069; License No. **PA-AH 0489**; renewal license issued March 18, 1997.

**Pennzoil Products Company**, 2 Main Street, Rouseville, PA 16344; License No. **PA-AH 0484**; renewal license issued March 18, 1997.

**Republic Environmental Systems** (Transportation Group), Inc., 21 Church Road, Hatfield, PA 19440; License No. **PA-AH 0317**; renewal license issued March 24, 1997.

**Hazardous waste transporter license voluntarily terminated under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) and regulations for license to transport hazardous waste.**

*Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

**Dickson Bulk Services, Inc.**, 453 Lloyd Avenue, Latrobe, PA 15650; License No. **PA-AH 0434**; license terminated March 18, 1997.

## AIR POLLUTION

### OPERATING PERMITS

**Construct, modify or activate contaminant sources**  
**25 Pa. Code § 129.1**

**Operating Permits issued under the Air Pollution Control Act (P. S. §§ 4001—4015).**

*Southwest Regional Office: Bureau of Air Quality, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**65-307-065A.** The Department issued an Air Quality Operating Permit on March 12, 1997, to **Latrobe Steel Company** (2626 Ligonier Street, P. O. Box 31, Latrobe, PA 15650) for a batch heating furnace at its Latrobe Plant located in Latrobe Borough, **Westmoreland County**.

*Northeast Regional Office: Bureau of Air Quality, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

The Department has issued the following Air Quality Operating Permits for the operation of the air contamination sources and associated air cleaning devices described below for the specified companies.

Permit: **48-310-017C**

Source: Portable Plant #3 w/watersprays

Company: **Haines & Kibblehouse Incorporated**

Location: Lower Mt. Bethel Township

County: **Northampton**

### PLAN APPROVALS

**Plan Approvals issued under the Air Pollution Control Act (35 P. S. §§ 4001—4005) and regulations to construct, modify or reactivate air contamination sources or air cleaning devices.**

*Southcentral Regional Office: Air Quality Program, One Ararat Boulevard, Harrisburg, PA 17110.*

**01-317-007A.** On March 20, 1997, the Department issued a Plan Approval to **Cooperative Milling, Inc.** (1892 York Road, Gettysburg, PA 17325) for the construc-

tion of a feed manufacturing facility at their Gettysburg Feed Plant in Straban Township, **Adams County**.

**05-2002A.** On March 20, 1997, the Department issued a Plan Approval to **Hedstrom Corporation** (P. O. Box 432, Bedford, PA 15522) for the construction of a decorative coating line for rotocasting and associated operations controlled by dry filter pads in Bedford Township, **Bedford County**.

**06-3551.** On March 22, 1997, the Department issued a Plan Approval to **M.P.G., Inc.** (P. O. Box 128, Topton, PA 19562) for the construction of a graphite manufacturing operation with four fabric collectors at their Robesonia Plant in Robesonia, **Berks County**.

**07-310-020E.** On March 20, 1997, the Department issued a Plan Approval to **New Enterprise Stone & Lime Company, Inc.** (P. O. Box 77, New Enterprise, PA 16664) for the construction of a limestone crushing plant controlled by water sprays and three fabric filters at their Roaring Spring Plant in Taylor Township, **Blair County**. The source is subject to 40 CFR 60, Subpart OOO, Standard of Performance for New Stationary Sources.

**21-02003A.** On March 14, 1997, the Department issued a Plan Approval to **Carlisle Tire & Wheel Company** (621 North College Street, Carlisle, PA 17013) for the modification of a No. 2 tire tread extrusion line in Carlisle Borough, **Cumberland County**.

**28-320-005.** On March 17, 1997, the Department issued a Plan Approval to **James River Company, Inc.** (1002 Wayne Avenue, Chambersburg, PA 17201-2924) for the installation of two printing presses in Chambersburg Borough, **Franklin County**.

*Southwest Regional Office: Bureau of Air Quality, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**PA-63-110A.** On March 5, 1997 a Plan Approval was issued to **Corning Consumer Products Company**, (100 Eighth Street, Charleroi, PA 15022) for a dust collector on the mixhouse at its Charleroi Plant facility located in Charleroi Borough, **Washington County**.

**PA-65-590A.** On March 5, 1997 a Plan Approval was issued to **Dormont Manufacturing Company**, (6015 Enterprise Drive, Export, PA 15632) for a cutting saw at its facility located in Penn Township, **Westmoreland County**.

**PA-32-040A.** On March 12, 1997 a Plan Approval was issued to **GPU Generation, Inc.**, (1001 Broad Street, Johnstown, PA 15907) for a NALCO NOxOut Cascade System on Boiler 15 at its Seward Station facility located in East Wheatfield Township, **Indiana County**.

**PA-65-093A.** On March 12, 1997 a Plan Approval was issued to **Hyde Park Foundry & Machine** (Railroad Street, P. O. Box 187, Hyde Park, PA 15641) for a Magnesium Inoculation system at its Hyde Park Facility located in Hyde Park Borough, **Westmoreland County**.

**56-307-001F.** On March 5, 1997, a Plan Approval expiration date was extended to January 1, 1998 for **FirstMiss Steel, Inc.**, (P. O. Box 509, Holsopple, PA 15935) for a baghouse on the oxygen converter at its Stony Creek Plant facility located in Quemahoning Borough, **Somerset County**.

**04-000-033.** On March 5, 1997, a Plan Approval expiration date was extended to June 1, 1997 for **Nova Chemicals, Inc.** (400 Frankfort Road, Monaca, PA 15061) for a thermoplastic resin manufacturing process at its Beaver Valley Plant located in Potter Township, **Beaver County**.

**65-309-033A.** On March 5, 1997, a Plan Approval expiration date was extended to May 1, 1997 for **St. George Crystal**, (P. O. Box 709, Jeannette, PA 15644) for baghouses on the glass melting furnace at its Jeannette Plant located in Jeannette, **Westmoreland County**.

**65-305-048.** On March 12, 1997, a Plan Approval expiration date was extended to April 14, 1997 for **Koppers Industries, Inc.**, (436 Seventh Avenue, Pittsburgh, PA 15229) for a pushing baghouse, a desulfurization unit, and an excess coke oven gas flare on the coke oven battery operations at its Monessen Coke Plant facility located in Monessen, **Westmoreland County**.

**65-305-049.** On March 12, 1997, a Plan Approval expiration date was extended to April 14, 1997 for **Koppers Industries, Inc.** (436 Seventh Avenue, Pittsburgh, PA 15229) for a benzene emissions control system and an ammonia still on the coke by-products recovery plant at its Monessen Coke Plant facility located in Monessen, **Westmoreland County**.

**30-000-099.** On March 12, 1997, a Plan Approval expiration date was extended to July 1, 1997 for **West Penn Power Company**, (800 Cabin Hill Drive, Greensburg, PA 15601) for Low NOx burners with separated ovenfire air on the NOx and VOC sources at its Hatfield Power Station facility located in Monongahela Township, **Greene County**.

**Plan Approval Extensions issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate, and operate air contaminant sources or air cleaning devices.**

*Southwest Regional Office: Bureau of Air Quality, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**63-305-018.** On March 12, 1997, a Plan Approval expiration date was extended to July 3, 1997 for **Eighty Four Mining Company**, (P. O. Box 284, Eighty Four, PA 15330) for a coal preparation plant at its Mine 60 facility located in Somerset Township, **Washington County**.

**26-305-034.** On March 12, 1997, a Plan Approval expiration date was extended to June 30, 1997 for **Matt Canestrale Contracting, Inc.** (P. O. Box 234, Belle Vernon, PA 15012) for a loading/unloading/stockpiling facility at its Labelle Site facility located in Luzerne Township, **Fayette County**.

**Plan Approvals issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Northeast Regional Office: Bureau of Air Quality, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

A Plan Approval has been issued by this office for the construction, modification, reactivation or operation of the air contamination sources and associated air cleaning devices described below for the specified companies.

Permit: **39-309-054**  
Source: Cement Silos/Group (s) w/baghouse  
Issued: March 4, 1997  
Company: **Lafarge Corporation**  
Location: Whitehall Township  
County: **Lehigh**

Permit: **40-315-002**

Source: Book/paper shred w/2 baghouses

Issued: March 1, 1997

Company: **Offset Paperback**

Location: Dallas Borough

County: **Luzerne**

Permit: **48-310-017C**

Source: Portable Plant #3 w/watersprays

Issued: March 12, 1997

Company: **Haines & Kibblehouse Incorporated**

Location: Lower Mt. Bethel Township

County: **Northampton**

Permit: **48-322-001A**

Source: (2) Landfill gas flairs

Issued: March 5, 1997

Company: **Grand Central Sanitary Landfill**

Location: Plainfield Township

County: **Northampton**

## MINING

### CONDUCT COAL AND NONCOAL ACTIVITIES

#### MINING ACTIVITY ACTIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 water quality certification. Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4401—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

*District Mining Operations, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.*

#### Coal Applications Issued

**56930109.** Transfer from **Mountaineer Mining** to **Mountaineer Mining Corporation** (R. D. 4, Box 110A, Berlin, PA 15530), commencement, operation and restoration of a bituminous strip-coal preparation/processing-limestone removal mine in Jenner Township, **Somerset County**, affecting 57.0 acres, receiving stream Flat Run and Roaring Run to Quemahoning Creek to Stonycreek, application received October 10, 1996, permit issued March 13, 1997.

**32910104.** Permit Renewal, **John R. Yenzi, Jr.** (P. O. Box 287, Anita, PA 15711), commencement, operation and restoration of a bituminous strip mine, valid for reclamation, only in Canoe Township, **Indiana County**, affecting 18.1 acres, receiving stream unnamed tributary to Canoe Creek, application received March 13, 1997, permit issued March 13, 1997.

**56850109.** Permit Renewal, **Croner, Inc.** (629 Main Street, No. 6, Berlin, PA 15530), commencement, operation and restoration of a bituminous strip-auger mine in Brothersvalley Township, **Somerset County**, affecting 81.2 acres, receiving stream an unnamed tributary to Buffalo Creek, application received January 14, 1997, permit issued March 17, 1997.

**56860101.** Permit Renewal, **Croner, Inc.** (629 Main Street No. 6, Berlin, PA 15530), commencement, operation

and restoration of a bituminous strip mine in Brothersvalley Township, **Somerset County**, affecting 156.8 acres, receiving stream unnamed tributary to Buffalo Creek, application received January 14, 1997, permit issued March 17, 1997.

**32870101.** Permit Renewal, **Andray Mining Company** (P. O. Box 339, 242 West Mahoning Street, Punxsutawney, PA 15767), commencement, operation and restoration of a bituminous strip-auger mine in Banks and Montgomery Townships, Glen Campbell Boro, **Indiana County**, affecting 145.4 acres, receiving stream unnamed tributaries to Cush Creek and Cush Creek, application received January 22, 1997, permit issued March 17, 1997.

*Hawk Run District Office, P. O. Box 209, Hawk Run, PA 16840.*

**17910131. Ecklund Coal Company, Inc.** (R. D. Box 109, Irvona, PA 16656), renewal of an existing bituminous surface coal mine permit in Bigler Township, **Clearfield County** affecting 137.6 acres, receiving streams: Porter Run and an unnamed tributary to Clearfield Creek, application received November 18, 1996, permit issued January 14, 1997.

**17860122. Al Hamilton Contracting Company** (R. D. 1, Box 87, Woodland, PA 16881), renewal of an existing bituminous surface mine-auger permit in Lawrence Township, **Clearfield County** affecting 490.5 acres, receiving streams: unnamed tributary of Wallace Run to Wallace Run, Wallace Run and Mitchell Run to Little Clearfield Creek, Little Clearfield Creek to Clearfield Creek, Clearfield Creek to west branch Susquehanna River, application received November 10, 1997, permit issued March 14, 1997.

**17860146. M. B. Energy, Inc.** (P. O. Box 1319, Indiana, PA 15701-1319), renewal of an existing bituminous surface mine permit in Chest Township, **Clearfield County** affecting 214.8 acres, receiving streams: unnamed tributary to Wilson Run, to Wilson Run, both to Chest Creek, to west branch Susquehanna River to Susquehanna River, application received February 3, 1997, permit issued March 14, 1997.

**17910125. Al Hamilton Contracting Company.** (R. D. 1, Box 87, Woodland, PA 16881), renewal of an existing bituminous surface mine-auger permit in Lawrence Township, **Clearfield County** affecting 78 acres, receiving streams: unnamed tributary to Wallace Run and McLaughlin Run to Little Clearfield Creek to Clearfield Creek to the west branch of the Susquehanna River, application received December 13, 1996, permit issued March 14, 1997.

*District Mining Operations, P. O. Box 669, Knox, PA 16232.*

**33930102. John R. Yenzi, Jr.** (P. O. Box 287, Anita, PA 15711), renewal of an existing bituminous strip and auger operation in Oliver Township, **Jefferson County** affecting 120.3 acres. Receiving streams: two unnamed tributaries to Little Sandy Creek. Application received: January 9, 1997. Permit issued: March 10, 1997.

*Mineral Resources Management—District Mining, Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

**40910202R. George W. Bone, Jr.** (98 New Street, Pittston, PA 18640), renewal of an existing coal refuse reprocessing, disposal and processing operation in Hughestown Borough, **Luzerne County**, affecting 10.9 acres, receiving stream—none. Renewal issued March 17, 1997.

**54840106T. City of Philadelphia Trustee**, Acting By the Board of Directors of City Trusts for Girard Estates (21 South 12th Street, Philadelphia, PA 19107-3684), transfer of an existing anthracite surface in operation in West Mahanoy and Butler Townships, **Schuylkill County** affecting 447.6 acres, receiving stream—none. Transfer issued March 19, 1997.

**54960201. Northeastern Power Company** (P. O. Box 7, McAdoo, PA 18237), commencement, operation and restoration of a coal refuse reprocessing operation in Kline, Banks and Hazle Townships, **Schuylkill, Carbon and Luzerne Counties** affecting 429.7 acres, receiving stream—none. Permit issued March 21, 1997.

*District Mining Operations, P. O. Box 669, Knox, PA 16232.*

#### *General Small Noncoal Authorizations Granted*

**16970802. Rankin & Sons Excavating** (R. D. 1, Box 53, Fairmount City, PA 16224), commencement, operation and restoration of a small noncoal sandstone operation in Paint Township, **Clarion County** affecting 5.0 acres. Receiving streams: none. Application received: January 13, 1997. Permit issued: March 10, 1997.

## **ACTIONS TAKEN UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT**

### **ENCROACHMENTS**

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment Approval, and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, telephone (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, telephone (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board, telephone (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

**Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of the act of June 22, 1937 (P. L. 1937, No. 394) (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).** (Note: Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description).

*Southcentral Regional Office: Water Management Program, Soils and Waterways Section, One Ararat Boulevard, Room 126, Harrisburg, PA 17110, telephone (717) 657-4590.*

**E36-625.** Encroachment. **David G. Heisey**, Timber Villa, Inc., 1898 N. Market Street, P. O. Box 408, Elizabethtown, PA 17022. To construct and maintain a low-profile steel box culvert having a 12.5 foot span  $\times$  4.42 foot rise in a tributary to Snitz Creek, and to fill 0.18 acre of wetlands for construction of Waterfront Drive and Quail Drive, to connect onto Long Drive, for access to residential units within Timber Villa, Phase IIA. Utility lines for service to the residences require the construction of a 4 inch water line across about 250 feet of wetlands and a tributary to Snitz Creek, and two 8 inch PVC sanitary sewer lines across the Snitz Creek tributary and adjacent wetlands (Middletown, PA Quadrangle N: 2.8 inches; W: 3.4 inches) in West Donegal Township, **Lancaster County**. The permittee has met the wetland replacement requirement by participating in the Pennsylvania Wetland Replacement Fund. This permit also includes 401 Water Quality Certification.

**E44-082.** Encroachment. **Dept. of Transportation**, Engineering District 2-0, George Prestash, 1924-30 Daisy Street, Clearfield, PA 16830. To maintain a precast reinforced concrete box culvert having a 25-foot span on a 60 degree skew with a 5.35 foot underclearance in Beaverdam Run on Township Road T-328, about 3 miles south of its intersection with SR 0022 (Newton-Hamilton PA Quadrangle N: 9.0 inches; W: 9.0 inches) in Wayne Township, **Mifflin County**. Emergency Permit No. EP44-96-03 issued on October 1, 1996 authorized removal of the flood damaged SR 3017 bridge and construction of new box culvert. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

*Northcentral Region: Water Management—Soils and Waterways, F. Alan Sever, Chief, 208 West Third St., Williamsport, PA 17701.*

**E08-309.** Encroachment. **Windham Township**, R. R. 2, Box 97, Rome, PA 18837. To remove the existing structure and to construct and maintain a 75 inch by 112 inch CMPA culvert in Little Falls Creek. This project is located on T-887 about 0.4 west of SR 187 (Windham, PA Quadrangle N: 20.5 inches; W: 13.8 inches) in Windham Township, **Bradford County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E18-213.** Water Obstruction and encroachment. **Wal-Mart Stores, Inc.**, 701 S. Walton Blvd., Bentonville, AR 72716. To emplace and maintain fill in the floodway of Bald Eagle Creek and Fishing Creek; and excavate and maintain fill from the floodway of Bald Eagle Creek and Fishing Creek for the construction of a commercial facility and its associated appurtenances. The proposed work, shall consist of 1) placing, grading, compacting and stabilizing 174,790 cubic yards of fill over 12.98 acres in the floodway of Bald Eagle Creek and Fishing Creek for the facility construction; and 2) excavating, grading and stabilizing 42,360 cubic yards of fill from 15.06 acres in the floodway of Bald Eagle Creek and Fishing Creek for the construction of facility appurtenance and a flood conveyance area. The project is located along the western right-of-way of SR 0150 approximately 400 feet north of the intersection of SR 0150 and Country Club Road (Mill Hall, PA Quadrangle N: 21.0 inches; W: 14.5 inches) in Bald Eagle Township, **Clinton County**.

**E53-295.** Encroachment. **James Neagle**, 1884 Felker Rd., Middletown, PA 17057. To excavate 0.08 acre palustrine emergent wetland and to construct and maintain a water intake on Crowley Run for the purpose of constructing a 1/2 acre recreational pond. The site is located along the floodplain of Nine Mile Run on the north side of SR 006 and west of the Pine Log Motel and Thompson Hollow Road (Brookland, PA Quadrangle N: 5.7 inches; W: 8.2 inches) Ulysses Township, **Potter County**.

*Southeast Regional Office: Program Manager, Water Management Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**E09-725.** Encroachment. **Northampton-Bucks County Municipal Authority**, 111 Township Road, Richboro, PA 18954. To rehabilitate, stabilize, and maintain an eroded streambed, and streambank of Pine Run Creek (TSF, MF). The project consists of the installation of a 192-foot long, 5 to 8-foot high gabion wall along the eastern streambank, and placement of a 100-foot long, 6-inch thick Reno mattress blanket to protect an existing sanitary sewer line located beneath the streambed. The project also includes removal of a 20-foot  $\times$  80-foot gravel bar along the northern streambank. The site is situated approximately 1 mile south from the intersection of Buck Road (S. R. 532) and Holland Road (Langhorne, PA Quadrangle N: 10.6 inches; W: 11.6 inches) in Northampton Township, **Bucks County**.

*Northeast Regional Office: Regional Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 826-5485.*

**E35-269.** Encroachment. **Lackawanna County Railroad Authority**, 701 Wyoming Avenue, Scranton, PA 18509. To maintain the existing 11 foot, 10 inch  $\times$  7 foot, 7 inch corrugated metal arch culvert and to construct and maintain a stream enclosure consisting of approximately 140 linear feet of 8 foot diameter reinforced concrete pipe to provide additional discharge capacity for Sterry Creek. The project, is associated with the Sterry Creek Stream Channel Restoration Project OSM 35 (2080) 102.1 and is located approximately 0.32 mile east of the intersection of S. R. 1016 (Constitution Avenue) and Sterry Creek (Olyphant, PA Quadrangle N: 18.3 inches; W: 11.2 inches) in Jessup Borough, **Lackawanna County**.

**E39-326.** **Saucon Valley Country Club**, 2050 Saucon Valley Road, Bethlehem, PA 18015-9000. To maintain an existing headwall along the left bank of Saucon Creek. The project is located at a point approximately 1.2 miles downstream from PA Route 191 in Upper Saucon Township, **Lehigh County** (previously authorized by Permit No. 17502).

**E39-327.** **Saucon Valley Country Club**, 2050 Saucon Valley Road, Bethlehem, PA 18015-9000. To maintain the existing water intake along Saucon Creek. The project is located at a point approximately 2,000 feet upstream from the Lehigh-Northampton County Line in Upper Saucon Township, **Lehigh County** (previously authorized by Permit No. 16898).

**E39-328.** **Saucon Valley Country Club**, 2050 Saucon Valley Road, Bethlehem, PA 18015-9000. To maintain the existing foot bridge having a span of 80 feet on a 90 degree skew with an underclearance of 14 feet across Saucon Creek. The project is located at a point approximately 5,500 feet upstream from the Northampton-Lehigh County line in Upper Saucon Township, **Lehigh County** (previously authorized by Permit No. 16897-9).

**E39-329. Saucon Valley Country Club**, 2050 Saucon Valley Road, Bethlehem, PA 18015-9000. To maintain the existing vehicular bridge, having a span of 60 feet on a 90 degree skew, with an underclearance of 10 feet across Saucon Creek. The project is located at a point approximately 4,800 feet upstream from the Lehigh-Northampton County Line in Upper Saucon Township, **Lehigh County** (previously authorized by Permit No. 16897-8).

**E39-330. Saucon Valley Country Club**, 2050 Saucon Valley Road, Bethlehem, PA 18015-9000. To maintain the existing foot bridge, having a span of 80 feet on a 90 degree skew, with an underclearance of 14 feet across Saucon Creek. The project is located at a point approximately 1,640 feet upstream from the Lehigh-Northampton County line in Upper Saucon Township, **Lehigh County** (previously authorized by Permit No. 16897-7).

**E39-331. Saucon Valley Country Club**, 2050 Saucon Valley Road, Bethlehem, PA 18015-9000. To maintain the existing foot bridge, having a span of 80 feet on a 90 degree skew, with an underclearance of 14 feet across Saucon Creek. The project is located at a point approximately 1,090 feet upstream from the Lehigh-Northampton County in Upper Saucon Township, **Lehigh County** (previously authorized by Permit No. 16897-6).

**E48-245. Saucon Valley Country Club**, 2050 Saucon Valley Road, Bethlehem, PA 18015-9000. To maintain the existing foot bridge, having a span of 80 feet on a 90 degree skew, with an underclearance of 14 feet from the right bank of Saucon Creek to an island in the channel of Saucon Creek. The project is located at a point approximately 120 feet upstream from Township Route T-368 in Lower Saucon Township, **Northampton County** (previously authorized by Permit No. 16897-5).

**E48-246. Saucon Valley Country Club**, 2050 Saucon Valley Road, Bethlehem, PA 18015-9000. To maintain the existing foot bridge, having a span of 80 feet on a 90 degree skew, with an underclearance of 14 feet from the left bank of Saucon Creek to an island in the channel of Saucon Creek. The project is located at a point approximately 120 feet upstream from Township Route T-368 in Lower Saucon Township, **Northampton County** (previously authorized by Permit No. 16897-4).

**E48-247. Saucon Valley Country Club**, 2050 Saucon Valley Road, Bethlehem, PA 18015-9000. To maintain the existing bridge, having a span of 60 feet on a 90 degree skew, with an underclearance of 10 feet across Saucon Creek. The project is located on Township Route T-368 in Lower Saucon Township, **Northampton County** (previously authorized by Permit No. 16897-3).

**E48-248. Saucon Valley Country Club**, 2050 Saucon Valley Road, Bethlehem, PA 18015-9000. To maintain an irrigation pipe under, and an off-stream pond along, Saucon Creek. The project is located at a point approximately 6 miles from its mouth in Upper Saucon Township, **Lehigh County**, and Lower Saucon Township, **Northampton County** (previously authorized by Permit No. 16897-10).

**E48-249. Saucon Valley Country Club**, 2050 Saucon Valley Road, Bethlehem, PA 18015-9000. To maintain the existing foot bridge having a span of 80 feet on a 90 degree skew with an underclearance of 14 feet across Saucon Creek. The project is located at a point approximately 780 feet upstream from Legislative Route No. 48001 in Lower Saucon Township, **Northampton County** (previously authorized by Permit No. 16897-2).

**E48-250. Saucon Valley Country Club**, 2050 Saucon Valley Road, Bethlehem, PA 18015-9000. To maintain the existing vehicular bridge having a span of 60 feet on a 90 degree skew with an underclearance of 10 feet across Saucon Creek. The project is located at a point approximately 560 feet upstream from Legislative Route No. 48001 in Lower Saucon Township, **Northampton County** (previously authorized by Permit No. 16897-1).

**E66-110. Encroachment. Pennsylvania Electric Company**, 2800 Pottsville Pike, P. O. Box 16001, Reading, PA 19640-0001. To construct and maintain a 34.5 KV electric distribution line aerial crossing of the Susquehanna River to provide electrical service to Wyoming Sand and Stone Company. The project is located approximately 0.15 mile upstream from the mouth of Meshoppen Creek (Meshoppen, PA Quadrangle N: 20.9 inches; W: 7.5 inches) in Mehoopany Township and Meshoppen Borough, **Wyoming County**.

#### ENVIRONMENTAL ASSESSMENT

*Environmental Assessment Approvals and Actions on 401 Certification*

*DEP Central Office: Bureau of Waterways Engineering, 400 Market Street, 6th Floor, P. O. Box 8554, Harrisburg, PA 17105-8554, telephone (717) 787-8568.*

**EA23-008CO. Environmental assessment. Concord Crossing Partners** (P. O. Box 100, Chadds Ford, PA 19317). To construct and maintain two non-jurisdictional dams in the watershed of a tributary to west branch Chester Creek (TSF) impacting approximately 0.1 acre of wetland (PEM) for the purpose of stormwater management at the proposed Concord Crossing subdivision located approximately 350 feet southwest of the intersection of Naamans Creek Road and Shavertown Road (Wilmington North, Del-PA Quadrangle N: 17.50 inches; W: 4.55 inches) in Concord Township, **Delaware County**.

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#### SPECIAL NOTICES

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##### Public Hearing Notice NPDES Stormwater Applications—Construction Activities

The Department of Environmental Protection (DEP) Water Management Program will be holding a fact finding hearing on the following Stormwater NPDES permit applications:

Emma Builders, Inc., c/o Alfred Emma, Huntview at Horseshoe Trail, PAS10-G242

Trammell Crow Company, Trammell Crow NE, Inc., PAS10-G253

The hearing is scheduled for April 29, 1997, at 7 p.m. at the Chester County Conservation District Office, Government Services Center, Conference Room 380, 601 Westtown Road, West Chester, PA 19382-4519, Chester County. The hearing is being held to solicit pertinent comments on these applications. Application No. PAS10-G242 is for stormwater construction activities, with a discharge to the French Creek Watershed, and Application No. PAS10-G253 is for stormwater construction activities with a discharge to the Valley Creek Watershed. A copy of these applications is available for review in the Southeast Regional Office's Record Management Section, (610) 832-6268. Those interested in reviewing these applications should call to schedule a date to review the files. The project sponsors are: Alfred Emma, Emma Builders, Inc., 153 Timothy Circle, Radnor, PA 19087; Jeffrey E.

Holcomb, Trammell Crow NE, Inc., 575 East Swedesford Road, Suite 150, Wayne, PA 19087-1613

Comments received will be considered by DEP in completing its review and prior to taking final action concerning these applications. The hearing will not be a question and answer session.

Anyone intending to make a presentation at the hearing should submit written notice to the Regional Manager, Water Management Program at the above address. The notice should include the presentor's name, address and phone number, whether the presentor is opposed or in favor of the project and a brief statement about the presentation. Comments should be kept brief and, depending on the number of speakers, may be limited to 10 minutes per speaker. Where groups are represented, a spokesperson is requested to present the group's concerns. Anyone wishing to present written material directly to DEP may do so within 30 days following the hearing.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodations to participate in the proceedings should contact Sharon Moore, at (610) 832-6073. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

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#### **Availability of Grants for the Remediation of Waste Tire Piles in Pennsylvania Under the Waste Tire Recycling Act (Act 190) of 1996**

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The Department of Environmental Protection (DEP or Department) hereby announces the availability of grants under the Waste Tire Recycling Act (Act 190) for the remediation of waste tire piles in Pennsylvania. Act 190 provides a grant program, tax credits and enforcement provisions to reduce the waste tires that are stockpiled and generated annually in the Commonwealth. The Waste Tire Pile Remediation Grant Program is funded through the creation of the Used Tire Pile Remediation Restricted Account, which may receive up to \$1 million annually from the Recycling Fund established by Act 101, the Municipal Waste Planning, Recycling and Waste Reduction Act. Grants totaling \$1,000,000 may be awarded annually from this account for up to 5 years.

In order to be considered for a grant, an applicant: 1) must propose to remediate a waste tire pile that is on DEP's list of priority waste tire piles (copies of this list are available from the Division of Municipal and Residual Waste, (717) 787-7381, or may be obtained electronically via the DEP Internet site on the world wide web at: <http://www.dep.state.pa.us> under the Municipal and Residual Waste page); 2) must not have contributed, in any manner, to the creation of a noncompliant waste tire pile; and 3) must have an identifiable end-use for the remediated waste tires.

Grant funds are intended to be used for activities directly related to the remediation of priority waste tire sites (such as employee wages, operation of equipment, transportation, processing costs, and the like). Grants may not be used for the purchase of equipment and grant recipients shall use funds only for those activities approved by DEP.

All grant applicants must complete and submit an official two-part application for each proposed tire pile remediation. The Waste Tire Remediation Grant Part A and B Applications include all the materials and instructions necessary for applying for a grant. Copies of these documents are available by contacting the Division of Municipal and Residual Waste at (717) 787-7381 or may

be obtained electronically from the DEP Internet site on the world wide web at: <http://www.dep.state.pa.us> Part A and Part B applications must be completed and submitted by 4:30 p.m. on May 16, 1997 to: Department of Environmental Protection, Division of Municipal and Residual Waste, 14th Floor-Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101-2301. Applications which are incomplete or arrive after the deadline will not be considered.

At a minimum, all applications must contain: (1) a description of the applicant's experience in waste tire remediation, (2) anticipated markets or end-uses for the remediated tires, (3) a schedule for the remediation of tires at the site, (4) proposed cost of the waste tire pile remediation, and (5) any additional information the Department deems necessary. Please follow the instructions in the Part A and B Grant Applications to assure you are submitting all of the necessary information in the correct format.

Persons who have any questions about this grant program should contact the Division of Municipal and Residual Waste at (717) 787-7381.

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#### **Submission Date for Recycling Program Development and Implementation Grants Under Act 101 Section 902 of the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988**

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The Department of Environmental Protection announces a request for applications from municipalities for recycling program grant assistance under section 902 of the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904).

Municipalities eligible for the grants include counties, cities, boroughs, incorporated towns, townships and home rule municipalities. Authorities are not eligible to apply for the grants, but may be sponsored by a county or municipality.

This solicitation is not for projects to be considered under the public/private partnership grant program.

The following categories of recycling projects will be given funding priority in the order they are listed. Intergovernmental cooperative recycling projects within any category will receive higher priority.

1. Projects implemented by a municipality, mandated by Act 101 to have a curbside recycling program, that establish or maintain compliance with the recycling requirements of the Act including:

a) semi-annual public information and education programs required under Act 101 section 1501(d) concerning recycling program features and requirements for the residential, commercial, institutional and municipal sectors; and,

b) programs for the collection of recyclables and leaf waste from residential, and/or commercial, institutional and municipal establishments.

2. Implementation of a curbside or drop-off recycling program by a nonmandated municipality.

3. Replacement equipment for the collection or processing of recyclables or leaf and yard wastes.

4. Leaf or yard waste collection and composting projects.

5. General recycling education projects.

6. Expansion of existing public sector recycling collection centers or materials processing facilities.

7. New public sector recycling collection centers or materials processing facilities.

Municipalities and counties are eligible for 90% funding of approved recycling program costs. Municipalities considered financially distressed under the Municipalities Financial Recovery Act (53 P. S. §§ 11701.101—11701.501), are eligible to receive funding for an additional 10% of approved costs.

Eligible recycling program development costs include: recycling program design costs; recycling market investigations; development of recycling market commitments; development of recycling program ordinances; development of recycling public education programs; and the costs of developing contracts or procuring equipment and services necessary for the operation of the recycling program.

Eligible recycling program implementation costs include: vehicles used to collect or transport recyclable materials to processing or storage facilities, or in the operation of a materials recovery facility, or in the transport of recyclable materials to market; reusable containers for household recyclable materials storage and collection; the cost of acquisition and/or renovation of buildings for the processing or storage of recyclable materials; equipment used for the processing of recyclable materials; and land improvements for a recycling facility. Yard waste composting programs as defined by the Pennsylvania Municipal Waste Management Regulations, Chapter 75, will be considered as recycling programs.

Before a municipality can submit an application to the Department for the funding of mechanical processing equipment, it must first publish a notice in a newspaper

of general circulation describing in detail the kinds of processing equipment that it proposes to purchase and the intended use of the equipment. The municipality must allow 30 days for responses from interested individuals. When the municipality submits the recycling grant application to the Department, it must include proof of compliance with the notification requirements, a description of any responses received to the notice, and an explanation of why the municipality has concluded the mechanical processing equipment is not available to the program from the private sector.

Applications must be received or postmarked by 3 p.m. May 15, 1997. Applications received by the Department after that date will not be considered during the current round of solicitation. Applications must be on forms provided by the Department, with two copies submitted to the appropriate DEP Regional Office. All grant awards will be predicated on the receipt of recycling fees required by sections 701 and 702 of Act 101, and the availability of monies in the Recycling Fund.

Those municipalities wishing to file an application are invited to contact the appropriate DEP Regional Planning and Recycling Coordinator listed below to obtain a grant application. Pre-application conferences are recommended. Applicants should also contact the County Recycling Coordinator serving their county for consultation and assistance in completing the application form. Inquiries concerning this notice should be directed to Carl Hursh, Chief, Recycling and Markets, Department of Environmental Protection, Bureau of Land Recycling and Waste Management, Division of Waste Minimization and Planning, P. O. Box 8472, Harrisburg, PA 17105-8472.

### Regional Planning and Recycling Coordinators

<i>Southeast Region</i> .....	Calvin Ligos Ann Ryan Mary Alice Reisse (610) 832-6212
DEP, Bureau of Land Recycling and Waste Management Lee Park, Suite 6010, 555 North Lane Conshohocken, PA 19428	
<i>Bucks, Chester, Delaware, Montgomery and Philadelphia Counties</i>	
<i>Northeast Region</i> .....	Chris Fritz Joan Banyas (717) 826-2516
DEP, Bureau of Land Recycling and Waste Management 2 Public Square Wilkes-Barre, PA 18711-0790	
<i>Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Susquehanna, Wayne and Wyoming Counties</i>	
<i>Southcentral Region</i> .....	Belinda May (717) 657-4588
DEP, Bureau of Land Recycling and Waste Management 1 Ararat Boulevard Harrisburg, PA 17110	
<i>Adams, Bedford, Berks, Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Mifflin, Perry and York Counties</i>	
<i>Northcentral Region</i> .....	Ron Sommers (717) 327-3653
DEP, Bureau of Land Recycling and Waste Management 208 W. 3rd Street, Suite 101 Williamsport, PA 17701	
<i>Bradford, Cameron, Centre, Clearfield, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga and Union Counties</i>	
<i>Southwest Region</i> .....	Sharon Svitek Stephen Sales Bob Emmert (412) 442-4000
DEP, Bureau of Land Recycling and Waste Management 400 Waterfront Drive Pittsburgh, PA 15222-4745	

*Allegheny, Armstrong, Beaver, Cambria, Fayette, Greene, Indiana, Somerset, Washington and Westmoreland Counties  
Northwest Region . . . . .* Guy McUmbert  
(814) 332-6848

DEP, Bureau of Land Recycling and Waste Management  
230 Chestnut Street  
Meadville, PA 16335-3481

*Butler, Clarion, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Venango and Warren Counties*

[Pa.B. Doc. No. 97-515. Filed for public inspection April 4, 1997, 9:00 a.m.]

### **Availability of Final General Plan Approval and General Operating Permit for Burn Off Ovens (BAQ-GPA/GP-4)**

The Department of Environmental Protection (Department) finalized the General Plan Approval and General Operating Permit No. BAQ-GPA/GP-4 for burn off ovens. Notice regarding the availability of the draft general permit was published at 26 Pa.B. 4051 (October 12, 1996).

Although a 45-day comment period was provided, no comments were received. The general permit is now available for use by qualifying applicants. Copies are now available of the final permit BAQ-GPA/GP-4 and an application form. These documents may be obtained by contacting Kimberly Maneval, Bureau of Air Quality, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325.

The documents have also been placed on the Department's World Wide Web site on the Internet which can be accessed at <http://www.dep.state.pa.us>, select Bureau of Air Quality, then Division of Permits.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 97-516. Filed for public inspection April 4, 1997, 9:00 a.m.]

### **Availability of Final General Plan Approval and General Operating Permit for Natural Gas Production Facilities (BAQ-GPA/GP-5)**

The Department of Environmental Protection (Department) finalized the General Plan Approval and General Operating Permit No. BAQ-GPA/GP-5 for natural gas production facilities. Notice regarding the availability of the draft general permit was published at 26 Pa.B. 4563 (September 21, 1996).

A 45-day comment period was provided and written comments were received. A comment and response document has been prepared which summarizes the comments made and the changes that were made in the final general permit. The general permit for natural gas production facilities is now available for use by qualifying applicants. Copies of the final general permit BAQ-GPA/GP-5, an application form, and the comment and response document for natural gas production facilities are now available. These documents may be obtained by contacting Kimberly Maneval, Bureau of Air Quality, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325.

The documents have also been placed on the Department's World Wide Web site on the Internet which can be

accessed at <http://www.dep.state.pa.us>, select Bureau of Air Quality, then Division of Permits.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 97-517. Filed for public inspection April 4, 1997, 9:00 a.m.]

### **Availability of Technical Guidance**

#### *Governor's Office List*

Once a year on the first Saturday in August, the Governor's Office publishes a list of the nonregulatory guidance documents of all State agencies in the *Pennsylvania Bulletin*. The first publication of this list was in the August 3, 1996, edition of the *Pennsylvania Bulletin*. The next publication of this list will be in the August 2, 1997, *Pennsylvania Bulletin*.

#### *DEP's Technical Guidance Document Inventory*

DEP publishes a list of its technical guidance documents in its Technical Guidance Document Inventory twice a year. The most recent edition of the Inventory is the December 1996 edition. This edition is now available on DEP's World Wide Web site. DEP's Web address is <http://www.dep.state.pa.us>. To go to the location of the Inventory once on the DEP home page, persons should choose the Public Participation Center/Technical Guidance Document/Basic Inventory.

Bound paper copies of the Inventory are available now for those who do not have access to the Web site. DEP automatically mails a paper copy of the December 1996 Inventory to persons who received a bound paper copy of the June 1996 Inventory. Persons who wish to add their address to the mailing list should call Nina Huizinga at (717) 783-8727.

#### *DEP's Technical Guidance Documents on the World Wide Web*

DEP's Web address is <http://www.dep.state.pa.us>. To go to the location of DEP's Technical Guidance Documents once on the DEP home page, persons should choose the Public Participation Center. The Center contains several links to DEP's Technical Guidance Documents. Persons should look under the heading "Proposals Open to Comment" for the link to "Draft Technical Guidance." Persons should look under the heading "Proposals Recently Finalized" for the link to "Technical Guidance." Persons should look under the heading "Technical Guidance" for one link to the "Basic Inventory" and a second link to "Final Guidance." The final documents menu will list DEP's bureaus. Persons should click on the name of the bureau to get to the list of the documents from that bureau that are currently on the Web. Then, to get to see a document,



persons should click on the ID number of the document. DEP will be adding its revised documents to the Web throughout 1997.

*Help Protect the Environment: Use the Web and Save Trees*

DEP encourages members of the public who read these announcements in the *Pennsylvania Bulletin* and DEP's UPDATE and who have access to the World Wide Web to avoid the needless duplication of paper copies of DEP's technical guidance documents. Persons can download those DEP documents which are posted on DEP's Web site onto their computers and read them electronically. This method saves both paper and money.

#### *Ordering Paper Copies of DEP Technical Guidance*

Although DEP promotes the use of electronic copies of its technical guidance rather than paper copies, there are still reasons for DEP to continue to provide members of the public with paper copies: 1) It may be more convenient to use some documents in a paper form, 2) Not everyone has access to the World Wide Web and 3) Not all DEP documents are on DEP's Web site yet. Persons can order an unbound paper copy of the latest Inventory or an unbound paper copy of any of the final documents listed on the Inventory by calling Elwyn, Inc. (the printer) at 1 (800) 804-4020 if calling in Pennsylvania or (610) 497-5826 if calling from outside Pennsylvania. Elwyn's fax number is (610) 497-5932.

In addition, bound copies of some of DEP's documents are available as DEP publications. Persons should check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to Technical Guidance Documents*

Between publication of its Inventory, DEP announces changes to its technical guidance documents in its weekly newsletter, the *UPDATE* and the *Pennsylvania Bulletin*. Here is the current list of recently finalized documents, draft documents and notices of intended changes to technical guidance.

Persons who have any questions or comments about a particular document should call the contact person whose name and phone number is listed with each document. Persons who have questions or comments about the Inventory, the documents on the World Wide Web, the availability of paper copies from the printer or the technical guidance document process in general should call Nina Huizinga at (717) 783-8727.

#### *Notice of Intent to Develop Technical Guidance—New Guidance*

Draft Title: Surety Reclamation of Bond Forfeiture Sites under Act 43 of 1996. Background: Section 4(h) of the Pennsylvania Surface Mining Conservation and Reclamation Act (PA SMCRA), as amended by Act 43 of 1996, provides a means by which a surety bonding company can reclaim a mine site where the surety's bond money has been forfeited and collected by DEP. This process involves submittal of a reclamation proposal, for review and approval by DEP, along with return of the surety's bond money in exchange for some other form of adequate financial assurance. The process provides increased opportunity for surety companies to achieve reclamation of mine sites. Anticipated Effective Date: August 30, 1997. Anticipated Draft Development Date: March 25, 1997. Proposed Development and Review Process: This policy has been going through an informal development process for several months with input from the Bureau of Mining and Reclamation, Bureau of Abandoned Mine Reclama-

tion, Bureau of District Mining Operations and the Office of Chief Counsel. This notice begins the formal development process which will reformat the document and solicit any additional input from the previously involved staff. Input will also be actively solicited from members of the public. The resultant policy guidance will promote consistent implementation of the Act 43 amendment. Contact: Thomas Callaghan at (717) 783-8845.

#### *Notice of Intent to Revise Existing Guidance—Correction*

The notice for the following guidance appeared incorrectly in the March 22, 1997 *Pennsylvania Bulletin*. The correct notice is listed here.

DEP ID: 550-0300-001. Title: Operators Manual Background: The Operators Manual is being updated to reflect changes in areas of program responsibility. Anticipated Effective Date: January 1998. Contact: Frank Bialas at (717) 772-2199.

JAMES M. SEIF,  
Secretary

[Pa.B. Doc. No. 97-518. Filed for public inspection April 4, 1997, 9:00 a.m.]

### **Consent Decree; Noncoal Mining and Water Quality; DEP v. Hanley Brick Inc., 277 M. D. 1997**

On March 20, 1997 the Department of Environmental Protection (Department) filed a Complaint (In The Nature Of An Amicable Action In Equity) against Hanley Brick Inc. (Hanley Brick) in The Commonwealth Court for failure to treat a discharge of water from a clay mine (4A Mine) located in Clover Township, Jefferson County as required by The Clean Streams Law and NPDES Permit No. 0001741. The Department and Hanley Brick also executed a Consent Decree which resolves the remedy for the violations described in the Complaint. The Consent Decree was filed with the Commonwealth Court on March 20, 1997. The major findings and provisions of the Consent Decree include:

1. Hanley Brick has ceased treating the discharge of water from its 4A Valley Mine into the Redbank Creek watershed.
2. Resuming treatment of the 4A Mine discharge is not likely to have a beneficial effect on water quality or aquatic life in the receiving streams or the Redbank Creek watershed.
3. Hanley Brick is not actively engaged in any business and has only finite resources.
4. Other projects have been identified which have a strong potential for improving the water quality and aquatic life in the Redbank Creek watershed on a long term basis. These projects include improvements and reclamation of the 4A Valley, and various projects on Beaver Run and its tributaries.
5. Hanley Brick has committed all of its remaining assets, save for funds which are required by law to meet financial obligations to former employees and administrative expenses (Remaining Assets), to implementing projects which are likely to improve the water quality and aquatic life in the Redbank Creek watershed. The amount of the Remaining Assets is \$2,400,000.
6. Together with the Department Hanley Brick shall develop and implement a project to address discharges in the 4A Valley and perform reclamation in the 4A Valley

(4A Valley Project) and projects to improve the water quality and aquatic life in Beaver Run, a stream in the Redbank Creek watershed.

7. Hanley Brick's obligation to implement these projects shall continue for approximately 24 months from the Court's entry of the Consent Decree.

8. Hanley Brick shall establish a Trust and fund it with the balance of the Remaining Assets. The Trust shall use the funds to undertake and fund projects in the Redbank Creek watershed which are likely to result in long term improvement to water quality and aquatic life, are likely to improve the recreational, aesthetic and other uses of Redbank Creek and are designed to require minimal maintenance. The Trust shall also complete the 4A Valley and Beaver Run Projects, if Hanley Brick has not completed them, and provide for the maintenance of those projects.

9. Hanley Brick, its officers and related entities, are barred from ever conducting coal or noncoal mining activities in the United States.

10. NPDES Permit No. 0001741 shall be revoked.

11. So long as Hanley Brick complies with its obligations under the Consent Decree the Department shall not compel Hanley Brick to resume treatment of the 4A Discharge, or impose any additional obligation or penalty on Hanley Brick which relates to the 4A Discharge.

Copies of the Consent Decree are in the possession of:

For the Department of Environmental Protection: Michael J. Heilman, Assistant Counsel, Department of Environmental Protection, Office of Chief Counsel, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4262; and

For Hanley Brick Inc.: Hershel J. Richman, Esquire, Dechert Price and Rhodes, 4000 Bell Atlantic Tower, 1717 Arch Street, Philadelphia, PA 19103-2793, (215) 994-2571.

The parties have asked The Commonwealth Court to enter the Consent Decree 35 days after publication of this notice in the *Pennsylvania Bulletin*. Any comments concerning the Consent Decree should be filed with the Pennsylvania Commonwealth Court in accordance with the Court's procedures, and copies should be sent to the representatives of the Department of Environmental Protection and Hanley Brick identified above. Copies of the Consent Decree may be obtained from the representatives of the Department of Environmental Protection and Hanley Brick identified above.

JAMES M. SEIF,  
Secretary

[Pa.B. Doc. No. 97-519. Filed for public inspection April 4, 1997, 9:00 a.m.]

### Conservation and Natural Resources Advisory Council; Meeting Notice

A meeting of the Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources will be held on Monday, April 14, 1997. The meeting will be held at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items can be directed to Kurt Leitholf at (717) 705-0031.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Glenda Miller directly at (717) 772-9087 or through the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate their needs.

JAMES M. SEIF,  
Secretary

[Pa.B. Doc. No. 97-520. Filed for public inspection April 4, 1997, 9:00 a.m.]

### Governor's Awards for Environmental Excellence for 1997

The Department of Environmental Protection is announcing the application period for the 1997 Governor's Awards for Environmental Excellence. Awards will be presented for the winning projects at a ceremony to be held in Harrisburg on September 16, 1997.

The Governor's Awards for Environmental Excellence recognize any Pennsylvania business, government agency, municipality, organization or individual engaged in pollution prevention, recycling, or energy efficiency efforts in Pennsylvania. If your environmental management activities include the implementation of pollution prevention strategies, innovative energy or environmental technologies to use existing resources more effectively, recycling and the development of recycled materials or recycling markets, improvements in energy efficiency, or education and outreach activities related to pollution prevention and environmental compliance assistance, you are a likely candidate for this year's awards program.

Projects will be evaluated by a panel of judges representing both public and private sectors, educational institutions and environmental organizations. The judges will select as winners, the projects or programs that best meet the evaluation criteria. Projects/programs will be evaluated on the basis of the following criteria: environmental impact; transferability; economic impact; innovation; energy impact/program results; management commitment; cooperative efforts; social impact and educational efforts.

For more information or assistance in completing the application, contact Barbara Yuricich at (717) 772-8908, E-Mail Yuricich.Barb@a1.dep.state.pa.us or Rosemary Mape at (717) 772-8907, E-Mail Mape.Rose@a1.dep.state.pa.us.

TDD users should call 800-654-5984. The application and related environmental information is available electronically via Internet. Access the DEP website at <http://www.dep.state.pa.us> (choose Pollution Prevention and Compliance Assistance.)

Applications must be received by 4 p.m. on May 23, 1997. Postmarks are not accepted. Mail or deliver to Department of Environmental Protection, P. O. Box 8772, 13th Floor, Rachel Carson State Office Building, 4th and Market Streets, Harrisburg, PA 17105-8772.

JAMES M. SEIF,  
Secretary

[Pa.B. Doc. No. 97-521. Filed for public inspection April 4, 1997, 9:00 a.m.]

# **Pennsylvania's Final Certification under Section 401 of the Federal Clean Water Act of 1977 and Coastal Zone Management Consistency Determination of the Army Corps of Engineers Nationwide Permits**

By this notice, the Commonwealth of Pennsylvania, Department of Environmental Protection (DEP), hereby certifies under Section 401 of the CWA (33 U.S.C.A. § 1341) subject to the conditions listed, that the activities authorized by the Army Corps of Engineers (Corps) in its *Federal Register* notice of December 13, 1996 (61 FR 65874) (Final Notice of Issuance, Reissuance, and Modification of Nationwide Permits (NWP)) which may result in a discharge into waters of the United States in the Commonwealth will comply with the applicable provisions of sections 301—303, 306 and 307 of the CWA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and are consistent with Pennsylvania's Coastal Zone Management Program. In addition, the Commonwealth certifies, subject to the conditions listed with this notice, that there is a reasonable assurance that the construction and operation of the NWPs set forth in the December 13, 1996 notice will comply with applicable Federal and State water quality standards.

On August 24, 1996, the DEP published an initial notice of the Corps' request for Section 401 certification of the Corps' proposed NWPs (see 61 FR 30780) (June 17, 1996) at 26 Pa.B. 4132 (August 24, 1996). During the 60-day comment period following publication of the notice, no public comments were received. The final version of the NWPs was published in the *Federal Register* on December 13, 1996. The Corps' request for Section 401 certification of the final NWPs was received by the Department on January 27, 1997. For more information concerning the NWPs, contact the U. S. Army Corps of Engineers, Baltimore District, Attn.: CENAB-OP-R, P. O. Box 1715, Baltimore, MD 21203-1715.

The Nationwide permits published on December 13, 1996 include 37 reissued NWPs, some with modifications, and 2 new NWPs. These NWPs are listed within this notice. For more information concerning the Nationwide permits, contact the U. S. Army Corps of Engineers, Baltimore District, Attn.: CENAB-OP-R, P. O. Box 1715, Baltimore, MD 21203-1715.

## *Conditional Approvals*

- NWP 1—Aids to Navigation
- NWP 2—Structures in Artificial Canals
- NWP 3—Maintenance
- NWP 4—Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities
- NWP 5—Scientific Measurement Devices
- NWP 6—Survey Activities
- NWP 7—Outfall Structures
- NWP 8—Oil and Gas Activities
- NWP 9—Structures in Fleeting and Anchorage Areas
- NWP 10—Mooring Buoys
- NWP 11—Temporary Recreational Structures
- NWP 12—Utility Line Backfill and Bedding
- NWP 13—Bank Stabilization
- NWP 14—Road Crossings
- NWP 15—U. S. Coast Guard Approved Bridges

- NWP 16—Return Water from Upland Contained Disposal Areas
- NWP 17—Hydropower Projects
- NWP 18—Minor Discharges
- NWP 19—25 Cubic Yard Dredging
- NWP 20—Oil Spill Cleanup
- NWP 21—Surface Mining Activities
- NWP 22—Removal of Vessels
- NWP 23—Approved Categorical Exclusions
- NWP 24—State Administered Section 404 Programs
- NWP 25—Structural Discharge
- NWP 26—Headwaters and Isolated Water Discharges
- NWP 27—Wetland Restoration Activities
- NWP 28—Modifications of Existing Marinas
- NWP 29—Single-Family Housing
- NWP 30—Moist Soil Management for Wildlife
- NWP 31—Maintenance of Existing Flood Control Facilities
- NWP 32—Completed Enforcement Actions
- NWP 33—Temporary Construction and Access
- NWP 34—Cranberry Production Activities
- NWP 35—Maintenance Dredging of Existing Basins
- NWP 36—Boat Ramps
- NWP 37—Emergency Watershed Protection
- NWP 38—Cleanup of Hazardous and Toxic Waste
- NWP 40—Farm Buildings

This certification is subject to the following conditions:

## *Conditions*

1. Prior to commencing any activity covered by a Nationwide permit, the applicant must obtain all necessary permits or approvals from the Department of Environmental Protection, including, but not limited to, those required by The Clean Streams Law (35 P. S. §§ 691.1—691.1001), the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.1304), and the regulations promulgated thereunder including 25 Pa. Code Chapters 75, 91—93, 95, 101, 102, 105 and 260—299. All environmental assessments required under these regulations, in addition to other regulatory requirements, must be complied with as a condition of Section 401 water quality certification for the NWPs.

2. Fill material cannot contain wastes as defined in the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

3. For activities which impact on wetlands, a delineation shall be conducted in accordance with Pennsylvania's procedures for wetland delineation. The present procedure is published at 25 Pa. Code § 105.451.

4. The Department retains the right, on an individual activity basis, to withdraw or modify 401 water quality

certification for an activity subject to a NWP which it determines may adversely impact water quality.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 97-522. Filed for public inspection April 4, 1997, 9:00 a.m.]

## PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY AND DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Water Pollution Control Revolving Fund; Federal FY 1996 and 1997 Sewage Project Priority List

The Pennsylvania Infrastructure Investment Authority and the Department of Environmental Protection have revised the combined Federal fiscal year 1996/1997 Water Pollution Control Revolving Fund (WPCRF) Project Priority List (list) of municipal sewage construction projects.

The FY 96/97 list was prepared in conformance with the requirements of section 216 of the Water Quality Act (act) and Federal guidance and was approved by the Environmental Protection Agency (EPA) on September 17, 1996. The projects included on the list have a project priority rating established under the Department's EPA approved Chapter 103 project priority rating system. The act stipulates that States must maintain a list of municipal sewage projects from which to develop the annual Intended Use Plan (IUP) list of projects to be funded with Federal funds Pennsylvania receives to capitalize the WPCRF.

The 18 projects proposed for addition to the list will not replace any project currently on the approved FY 96/97 List. These 18 projects are additions and are being placed in the appropriate ranking slot in relation to other rated and ranked projects on the list. The rank order standing of projects on the list does not dictate the order in which projects are chosen for funding in the WPCRF program. A project may be selected from any numerical rank position on the list for funding. A project's readiness to proceed and the reasonable availability of alternative sources of funds have a bearing on project selection for funding in the program.

Sixteen of the 18 projects to be added to the FY 96/97 list are expected to proceed to construction in the near future and the other two are being added as potential projects for future construction loan consideration. The 16 projects expected to be ready for loan funding in the near future have submitted applications for funding and will be placed on an IUP to (1) replace projects that have not proceeded timely toward initiation of project construction and/or (2) to fill funding gaps that have developed as a result of cost savings. Projects removed from an IUP will remain on the list and be considered for WPCRF loan funds in the future.

Federal guidance on revising an approved list indicates the list be subject to public comment and review before being submitted to EPA. Interested persons are invited to express their views on the priority rating or ranking of projects on the revised FY 96/97 list. Persons wishing to offer comments should submit them in writing to the Administrative Services Section, Division of Municipal Financial Assistance, Bureau of Water Supply Management, 11th Floor, Rachel Carson State Office Building, P. O. Box 8466, Harrisburg, PA 17105-8466, telephone (717) 787-6744, or by Internet E-Mail (Maisano.Tony@al.dep.state.pa.us) by 4 p.m., May 5, 1997.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Tony Maisano as noted above or through the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate their needs.

A list of the municipal sewage construction projects to be added to the FY 96/97 List follows this notice.

A copy of the revised FY 1996/97 Project Priority List that shows all 306 municipal sewage projects in priority and ranked order is available to any interested person for a nominal cost or may be reviewed in the Administrative Services Section office and in the following offices:

#### Southeast Region:

Water Management Program Manager  
Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428  
(610) 832-6130

#### Northeast Region:

Water Management Program Manager  
2 Public Square, Wilkes-Barre, PA 18711-0790  
(717) 826-2553

#### Southcentral Region:

Water Management Program Manager  
One Ararat Boulevard, Harrisburg, PA 17110  
(717) 657-4590

#### Northcentral Region:

Water Management Program Manager  
208 West 3rd Street, Williamsport, PA 17701  
(717) 327-3669

#### Southwest Region:

Water Management Program Manager  
400 Waterfront Drive, Pittsburgh, PA 15222-4745  
(412) 442-4000

#### Northwest Region:

Water Management Program Manager  
230 Chestnut Street, Meadville, PA 16335-3481  
(814) 332-6942

#### PENNVEST

22 S. Third Street, 4th Floor, Keystone Building,  
Harrisburg, PA 17101  
(717) 787-8137

JAMES M. SEIF,  
*Secretary*

*Department of Environmental Protection*

PAUL K. MARCHETTI,  
*Executive Director*

*Pennsylvania Infrastructure Investment Authority*

PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY AND DEPARTMENT OF ENVIRONMENTAL PROTECTION  
WATER POLLUTION CONTROL REVOLVING FUND  
FY 1996-97 PROJECT PRIORITY LIST ADDITIONAL PROJECTS

IN ALPHABETICAL ORDER

EXPLANATION OF COLUMNAR HEADINGS (EXCEPT THOSE THAT ARE SELF-EXPLANATORY)

NEEDS CATEGORY:

- I — SECONDARY TREATMENT
- II — TREATMENT MORE STRINGENT THAN SECONDARY
- IIIA — INFILTRATION/INFLOW CORRECTION
- IIIB — MAJOR SEWER SYSTEM REHABILITATION
- IVA — NEW COLLECTOR SEWERS AND APPURTENANCES
- IVB — NEW INTERCEPTORS AND APPURTENANCES
- V — CORRECTION OF COMBINED SEWER OVERFLOWS

PROJECT TYPE:

- STP — SEWAGE TREATMENT PLANT
- STPMOD — SEWAGE TREATMENT PLANT MODIFICATION
- INT — INTERCEPTOR
- PS — PUMP STATION
- FM — FORCE MAIN
- SS — SEWER SYSTEM
- SS REH — SEWER SYSTEM REHABILITATION
- FL EQ — FLOW EQUALIZATION BASIN

NPDES PERMIT NUMBER:

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PERMIT NUMBER

PROJECT NUMBER:

FEDERAL LOAN PROJECT IDENTIFICATION NUMBER

ELIGIBLE PROJECT COSTS:

ESTIMATED LOAN AMOUNT FOR ELIGIBLE PROJECT

APPLICANT NAME			COUNTY		PROJECT TYPE		PROJECT NUMBER		
ADDRESS			ZIPCODE		NPDES PERMIT NUMBER		PRIORITY	PROJECT	
CITY			STATE				RATING	RANKING	
NEEDS CATEGORIES			NEEDS CATEGORIES		NEEDS CATEGORY		ELIGIBLE PROJECT COST		
I:			II:		IIIA:				IIIB:
IVA:			IVB:		V:				
ARNOLD CITY			WESTMORELAND		SS REHAB		CS421962-01		
1829 FIFTH AVE									
ARNOLD			PA	15068			25	166	
I: \$0			II: \$0		IIIA: \$0		IIIB: \$350,000		
IVA: \$0			IVB: \$0		V: \$0		\$350,000		
BENZINGER TOWNSHIP AUTHORITY			ELK		INT		CS421954-01		
PO BOX 44									
ST MARYS			PA	15857			19	234	
I: \$0			II: \$0		IIIA: \$0		IIIB: \$0		
IVA: \$0			IVB: \$1,220,000		V: \$0		\$1,220,000		

APPLICANT NAME ADDRESS CITY	STATE	COUNTY ZIPCODE	PROJECT TYPE NPDES PERMIT NUMBER	PROJECT NUMBER PRIORITY RATING	PROJECT RANKING
NEEDS CATEGORIES I: IVA:	NEEDS CATEGORIES II: IVB:	NEEDS CATEGORIES III A: V:	NEEDS CATEGORY IIIB:	ELIGIBLE PROJECT COST	
BIG BEAVER MUNICIPAL AUTHORITY 114 FORREST DRIVE DARLINGTON	PA	BEAVER 16115	SS	CS421961-01	
I: \$0 IVA: \$238,600	II: \$0 IVB: \$0	III A: \$0 V: \$0	IIIB: \$0	44	15
				\$238,600	
CHESTNUT RIDGE AREA JMA P O BOX 7 ALUM BANK	PA	BEDFORD 15521	STP PS INT SS	CS421955-01	
I: \$4,896,000 IVA: \$8,896,000	II: \$0 IVB: \$0	III A: \$0 V: \$0	IIIB: \$0	43	17
				\$13,792,000	
DERRY TWP MUN AUTH P. O. BOX 250 DERRY	PA	WESTMORELAND 15671	PS, SS	CS421710-01	
I: \$0 IVA: \$1,103,250	II: \$0 IVB: \$0	III A: \$0 V: \$0	IIIB: \$0	40	28
				\$1,103,250	
ELKLAND BOROUGH AUTHORITY 105 PARKHURST ST ELKLAND	PA	TIOGA 16920	STPMOD PA0113398	CS421963-01	
I: \$150,480 IVA: \$0	II: \$58,520 IVB: \$0	III A: \$0 V: \$0	IIIB: \$0	25	167
				\$209,000	
FRANKLIN TWP MUN S A 3001 MEADOWBROOK ROAD MURRYSVILLE	PA	WESTMORELAND 15668	SS PA0025674	CS421956-01	
I: \$0 IVA: \$790,000	II: \$0 IVB: \$0	III A: \$0 V: \$0	IIIB: \$0	40	29
				\$790,000	
NORTH COVENTRY M A 1485 EAST SCHUYLKILL RD POTTSTOWN	PA	CHESTER 19454	STP PS INT SS PA0025437	CS421964-01	
I: \$0 IVA: \$5,293,665	II: \$2,560,000 IVB: \$0	III A: \$0 V: \$0	IIIB: \$0	22	207
				\$7,853,665	
NORTH FAYETTE TOWNSHIP 400 NORTH BRANCH ROAD OAKDALE	PA	ALLEGHENY 15071	SS	CS421958-01	
I: \$0 IVA: \$1,182,800	II: \$0 IVB: \$0	III A: \$0 V: \$0	IIIB: \$0	40	27
				\$1,182,800	
PLEASANT HILLS BOROUGH 410 EAST BRUCETON ROAD PLEASANT HILLS	PA	ALLEGHENY 15236	INT REPLAC	CS421960-01	
I: \$0 IVA: \$968,630	II: \$0 IVB: \$0	III A: \$0 V: \$0	IIIB: \$0	27	143
				\$968,630	
SCHUYLKILL COUNTY MUNICIPAL AUTH 221 SOUTH CENTRE STREET POTTSVILLE	PA	SCHUYLKILL 17901	PS INT SS	CS421965-01	
I: \$0 IVA: \$282,800	II: \$0 IVB: \$716,615	III A: \$0 V: \$0	IIIB: \$0	7	305
				\$999,415	

APPLICANT NAME ADDRESS CITY	STATE	COUNTY	ZIP CODE	PROJECT TYPE NPDES PERMIT NUMBER	PROJECT NUMBER PRIORITY RATING	PROJECT RANKING
NEEDS CATEGORIES I: IVA:	NEEDS CATEGORIES II: IVB:	NEEDS CATEGORIES III A: V:	NEEDS CATEGORY IIIB:	ELIGIBLE PROJECT COST		
SEWARD/ST CLAIR TWP S A RD # 2 BOX 195 SEWARD	PA	WESTMORELAND	15954	STP PS INT SS	CS421966-01	
I: \$825,000	II: \$0	III A: \$0	IIIB: \$0	35	55	
IVA: \$2,575,000	IVB: \$300,000	V: \$0			\$3,700,000	
SOMERSET BOROUGH M A 340 WEST UNION STREET SOMERSET	PA	SOMERSET	15501	INT PS	CS421862-02	
I: \$0	II: \$0	III A: \$0	IIIB: \$1,750,000	18	255	
IVA: \$0	IVB: \$0	V: \$0			\$1,750,000	
SOUTH COATESVILLE BOROUGH 136 MODENA ROAD SOUTH COATESVILLE	PA	CHESTER	19320	STP MOD INT PA0036897	CS421959-01	
I: \$107,000	II: \$0	III A: \$0	IIIB: \$0	25	168	
IVA: \$0	IVB: \$0	V: \$0			\$107,000	
SOUTH STRABANE TOWNSHIP 550 WASHINGTON ROAD WASHINGTON	PA	WASHINGTON	15301	INT PS PA0024783	CS421623-01	
I: \$0	II: \$0	III A: \$0	IIIB: \$0	26	151	
IVA: \$0	IVB: \$1,200,000	V: \$0			\$1,200,000	
SPRINGFIELD TOWNSHIP RR # 2 BOX 206 SEVEN VALLEYS	PA	YORK	17360	STP PS INT SS	CS421967-01	
I: \$4,676,433	II: \$0	III A: \$0	IIIB: \$0	14	273	
IVA: \$4,059,524	IVB: \$1,958,905	V: \$0			\$10,694,862	
ULYSSES M A 522 MAIN ST PO BOX 392 ULYSSES	PA	POTTER	16948	STPMOD PA0045993	CS421968-01	
I: \$0	II: \$410,000	III A: \$0	IIIB: \$0	32	94	
IVA: \$0	IVB: \$0	V: \$0			\$410,000	
WILMINGTON TWP S A RD # 5 BOX 469 NEW CASTLE	PA	LAWRENCE	16105	SS	CS421969-01	
I: \$0	II: \$0	III A: \$0	IIIB: \$0	43	19	
IVA: \$68,945	IVB: \$0	V: \$0			\$68,945	

## DEPARTMENT OF GENERAL SERVICES

### Request for Bids

The Department of General Services State Surplus Property Division is seeking contractors to remove mixed scrap metals from various agencies of the Commonwealth. District contracts can be subdivided and bid in part. The following counties will be involved in these contracts:

#### *Mixed Scrap Metals*

Scrap metal contracts will begin on July 1, 1997. District 10: Armstrong, Butler, Clarion, Indiana and Jefferson Counties.

The above contracts will be for 1 year with an optional extension for a 2nd, 3rd and 4th year. For more information or to obtain a bid proposal for any of these contracts, write to the Department of General Services, State Surplus Property Division, 2221 Forster Street, P. O. Box 1365, Harrisburg, PA 17105, or call (717) 787-4085 prior to the bid opening on May 8, 1997.

GARY E. CROWELL,  
*Secretary*

[Pa.B. Doc. No. 97-524. Filed for public inspection April 4, 1997, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 11 a.m., Thursday, March 20, 1997, and took the following actions:

#### *Regulation Approved:*

#1611 Department of Education #6-255: Community College Courses (amends 22 Pa. Code Chapter 335)

#1779 Board of Pardons #56-1: General Provisions (deletes the existing 37 Pa. Code Chapter 81 and replaces it with proposed 37 Pa. Code Chapter 81)

#1796 Department of Community and Economic Development #4-61: Private Activity Bonds—Allocation (amends 13 Pa. Code Chapter 57)

(*Editor's Note:* For the text of the regulations pertaining to this order, see 27 Pa.B. 1645 (April 5, 1997).)

*Commissioners Present:* John R. McGinley, Jr., Chairperson; Robert J. Harbison, III, Vice Chairperson; Alvin C. Bush; Arthur Coccodrilli; John F. Mizner

Public meeting held  
March 20, 1997

*Department of Education—Community College Courses;*  
*Doc. No. 6-255*

### Order

On October 19, 1994, the Independent Regulatory Review Commission (Commission) received this proposed

regulation from the Department of Education (Department). This rulemaking would amend 22 Pa. Code Chapter 335 under the authority of section 1913-A of the Public School Code of 1949 (act) (24 P.S. § 19-19133-A(b)(1.2)). The proposed regulation was published in the October 29, 1994 *Pennsylvania Bulletin* with an 86-day public comment period. The final-form regulation was submitted to the Commission on January 27, 1997. At its February 20, 1997 Public Meeting, the Commission voted to disapprove the final-form regulation. On February 26, 1997, the Department notified the Commission of its intent to revise and resubmitted the revised final-form regulation to the Commission.

On June 7, 1993, the act was amended to require the Secretary of Education, in consultation with the community colleges, to promulgate standards for credit and noncredit courses that will be eligible for reimbursement by the Commonwealth. The act further requires that the standards should specifically exclude from eligibility for reimbursement any course or program in avocational or recreational pursuits.

The standards in this regulation will provide assurance that Commonwealth funding of community college operating expenses goes to support instruction which is consistent with the statutory defined mission of these institutions. Community college operating expenses are shared between the Commonwealth, the local sponsor and students (through tuition). The act specifically requires that programs and curricula of community colleges are to further the objectives of industrial development, reduce unemployment and improve the employability skills of area residents. Although community colleges also offer courses related to leisure time pursuits, hobbies and individual enrichment subjects, such courses do not meet program requirements specified under the Act and are therefore specifically excluded from Commonwealth reimbursement.

The regulation proposed by the Department of Education (Department) establishes the criteria credit and noncredit courses must meet in order for the courses to be eligible for reimbursement. Many of the criteria, such as those relating to course approval, course structure and course outlines, were drawn from existing policies or practices at community colleges. Others were developed specifically to make a clear distinction between credit and noncredit courses. The proposed regulation also establishes an implementation schedule and describes the documentation required of the colleges to verify that their courses meet the standards.

Comments were filed on the proposed regulation by the House and Senate Education Committees, Reading Area Community College, Montgomery County Community College, Luzerne County Community College, and Plum Borough Senior Citizens' Center.

The House Education Committee met on February 5, 1997, and voted unanimously to approve the final-form rulemaking. The Senate Education Committee Chairperson, by letter dated February 10, 1997, expressed two concerns with the final-form regulation. First, he recommended that section 335.31 in the final-form regulation be amended to make it clear that the standards would apply to all new courses. Second, he recommended that implementation of these standards be integrated with other requirements of the Department.

The Department made significant amendments to the regulation in response to comments received from the House and Senate Education Committees, this Commis-



sion and others. Despite all of these changes, the Department acknowledged at our February 20, 1997 Public Meeting that the concern of the Senate Education Committee Chairperson regarding section 335.31 should be addressed prior to final adoption. Since the Regulatory Review Act does not permit an agency to amend a final-form regulation after it has been submitted to the Commission, the Department requested that we disapprove the regulation so that the Department could incorporate the Senate Education Committee Chairperson's suggested clarification.

We have reviewed the revised final-form regulation and find it to be in the public interest. To respond to the concern raised, the Department has revised section 335.31 so that it will read:

Beginning July 1, 1997, to be eligible for reimbursement by the Commonwealth, each new credit course for Fiscal Year 1997-98 and for each fiscal year thereafter shall meet the standards in Subchapters A and B . . . (emphasis added).

This revision will make it clear that the standards will apply to all new courses.

*Therefore, It Is Ordered That:*

1. Regulation No. 6-255 from the Department of Education, as resubmitted to the Commission on February 26, 1997, is approved;
2. The Commission's bar to final publication of Regulation No. 6-255 issued under section 6(b) of the Regulatory Review Act (71 P. S. § 745.6(b)) is hereby rescinded; and
3. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

*Commissioner's Present:* John R. McGinley, Jr. Chairperson; Robert J. Harbison, III, Vice-Chairperson; Alvin C. Bush; Arthur Coccodrilli; John F. Mizner

Public meeting held  
March 20, 1997

*Board of Pardons—General Provisions; Doc. No. 56-1*

### Order

On October 8, 1996, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Board of Pardons (Board). This rulemaking would delete the existing 37 Pa. Code Chapter 81 in its entirety and replace it with the proposed 37 Pa. Code Chapter 81. The Board is seeking to revise their regulations to comply with statutory amendments enacted by Act 15 of 1995 and to update their regulations to better reflect the current practice of the Board because their regulations have not been updated since 1986. The authority for this regulation is Pennsylvania Constitution Article IV, Section 9, 71 P. S. §§ 113, 299, and 299a; and 61 P. S. §§ 331.34(a) and 1052(c). The proposed regulation was published in the October 19, 1996 edition of the *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on March 6, 1997.

The regulation sets forth general provisions (scope and definitions); the Board's powers; application provisions; listings (procedures to determine if a public hearing will be granted, interviewing the applicant, and publication of

notice of the hearing); continuances; a calendar of cases to be heard by the Board at each hearing; frequency and location of hearings; procedures for reconsideration; representation; conduct of hearings and communications; and disposition of applications.

The House Judiciary Committee voted to approve the final-form regulation on March 18, 1997.

The Board received public comments on the proposed regulation from the Pennsylvania Coalition Against Domestic Violence; Charles E. Mann; and Mary Achilles, Pennsylvania's Victim Advocate. We have not received any formal comments on the final-form regulation.

The Board receives approximately 300 applications for clemency per year. The Board believes the proposed regulations will benefit those seeking executive clemency and the public by having accurate regulations outlining the operation and rules of the Board. The Board does not believe anyone will be adversely affected by the regulations and the Board does not anticipate a change in their expenditures as a result of these regulations. We agree that the regulation is beneficial because it will more accurately reflect the operation of the Board. The Board deleted provisions which were either obsolete, or were outside the Board's responsibility. The Board is also making changes to improve the effectiveness of their application process.

The Board made several amendments to the regulation and provided further explanations of their amendments. The Board clarified several portions of the regulation including procedures for recommendations for clemency, publication of notice, and communications with the Board. The Board provided support for the modifications to section 81.223 Limitations on filing and explained that if circumstances in a person's life have changed dramatically, an applicant can file under section 81.224 Request for early filing, or request reconsideration under section 81.271 Request. The Board modified language in proposed section 81.232 Interview of the applicant to better describe that the Board may exclude the participation of the applicant's attorney or representative if they do not comply with the Department of Corrections' rules concerning entry into a prison by members of the public. The Board also deleted portions of the regulation which were not used, or were not the Board's responsibility. The Board did not adopt our recommendation to clarify the dimensions and quality of photographs applicants must provide. The Board explained that this requirement, which is in the existing regulations, has not resulted in questions from applicants about what photographs would be accepted nor has the Board found it necessary to reject photographs.

We have reviewed this regulation and find it to be in the public interest. We believe the Board's amendments will improve the effectiveness of their process and clearly communicate the Board's procedures to both the affected public and applicants for clemency.

*Therefore, It Is Ordered That:*

1. Regulation No. 56-1 from the Board of Pardons, as submitted to the Commission on March 6, 1997, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

*Commissioners Present:* John R. McGinley, Jr., Chairperson; Robert J. Harbison, III, Vice-Chairperson; Alvin C. Bush; Arthur Coccodrilli; John F. Mizner

Public meeting held  
March 20, 1997

*Department of Community and Economic Development—  
Private Activity Bonds—Allocation; Doc. No. 4-61*

### Order

On March 3, 1997, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of Community and Economic Development (Department). This rulemaking would amend 13 Pa. Code Chapter 57 by increasing the ceiling amount for private activity bonds. The authority for this regulation is contained in section 7(4) of the Tax Exempt Bond Allocation Act (73 P.S. § 397.7(4)). Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

The Federal Internal Revenue Code of 1986 (26 U.S.C.A. § 146) imposes a State ceiling on the aggregate amount of private activity bonds that may be issued in each calendar year by or on behalf of the Commonwealth and its political subdivisions. With this rulemaking, the Department is increasing the ceiling for 1997 by \$200,000. The State ceiling is calculated each year by multiplying \$50 by the State's estimated population figure, which comes from the U.S. Department of Census. Therefore, the change in the ceiling is a result of a change in population for Pennsylvania.

The Department allocates the State ceiling among four groups: qualified small issue bonds, exempt facility bonds, education bonds and housing bonds. The issuance of the bonds helps stimulate economic development and job creation by assisting in the expansion of current businesses, as well as attracting new industries into financially distressed communities.

In the rulemaking, the Department is placing the increased cap amount of \$200,000 into the qualified small issue bonds category, raising the ceiling for this category to \$152.8 million for 1997. The reason the Department placed the entire increase in this category is because the Tax Exempt Board Allocation Act places emphasis on the use of bonds for manufacturing purposes.

There will be no costs imposed upon the Department or the public since the rulemaking simply conforms to Federal standards. No State funds are used in the issuance of private activity bonds; all issuance costs are paid for out of the bond proceeds from the issuer or the borrower.

By letter dated March 19, Senator Terry Punt, Chairperson of the Senate Community and Economic Development committee, advised the Commission that the committee members had no comments on or objectives to the regulation.

We have reviewed this regulation and find it to be in the public interest. The change is necessary to amend the ceiling for private activity bonds to conform with Federal law.

*Therefore, It Is Ordered That:*

1. Regulation No. 4-61 from the Department of Community and Economic Development, as submitted to the Commission on March 3, 1997, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

JOHN R. MCGINLEY, Jr.,  
Chairperson

[Pa.B. Doc. No. 97-525. Filed for public inspection April 4, 1997, 9:00 a.m.]

### Notice of Filing of Final-Form Rulemakings

The Independent Regulatory Review Commission received, on the dates indicated, the following final-form regulations for review. The regulations will be considered within 30 days of their receipt at a public meeting of the Commission. To obtain the date and time of the meeting, interested parties may contact the office of the Commission at (717) 783-5417. To obtain a copy of the regulation, interested parties should contact the agency promulgating the regulation.

Reg. No.	Agency/Title	Received
4-63	Department of Community and Economic Development Site Development, Community Facilities, Site Recovery, Statistics and Information, Nursing Home Loan Agency, and Sunny Day	3/26/97

JOHN R. MCGINLEY, Jr.,  
Chairperson

[Pa.B. Doc. No. 97-526. Filed for public inspection April 4, 1997, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Alleged Violation of Insurance Laws; George Seidman; Doc. No. SC97-03-024

Notice is hereby given of the Order to Show Cause issued on March 25, 1997 by the Deputy Insurance Commissioner of the Commonwealth of Pennsylvania in the above-referenced matter. Violation of the following is alleged: section 604 of The Insurance Department Act of 1921 (40 P.S. § 234); sections 4 and 5(a)(12) of The Unfair Insurance Practices Act (40 P.S. §§ 1171.4 and 1171.5(a)(12)); and 31 Pa. Code § 33.29(d).

Respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If Respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); 1 Pa. Code §§ 31.1—35.251 (relating to General Rules of Administrative Practice and Procedure); 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice Procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene, or notices of intervention, if any, must be filed in writing with the Docket Clerk, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the above-referenced administrative hearing, and require an auxiliary aid, service or other accommodation to partici-

pate in the hearing, please contact Tracey Pontius, Agency ADA Coordinator at (717) 787-4298.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 97-527. Filed for public inspection April 4, 1997, 9:00 a.m.]

### **Alleged Violation of Insurance Laws; Philip Seidman; Doc. No. SC97-03-025**

Notice is hereby given of the Order to Show Cause issued on March 25, 1997 by the Deputy Insurance Commissioner of the Commonwealth of Pennsylvania in the above-referenced matter. Violation of the following is alleged: section 604 of The Insurance Department Act of 1921 (40 P.S. § 234); sections 4 and 5(a)(12) of The Unfair Insurance Practices Act (40 P.S. §§ 1171.4 and 1171.5(a)(12)); and 31 Pa. Code § 33.29(d).

Respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If Respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); 1 Pa. Code §§ 31.1—35.251 (relating to General Rules of Administrative Practice and Procedure); 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene, or notices of intervention, if any, must be filed in writing with the Docket Clerk, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the above-referenced administrative hearing, and require an auxiliary aid, service or other accommodation to participate in the hearing, please contact Tracey Pontius, Agency ADA Coordinator at (717) 787-4298.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 97-528. Filed for public inspection April 4, 1997, 9:00 a.m.]

### **Application for Acquisition of Control of Boyertown Mutual Insurance Company**

Amerigroupe, Inc. has filed an application to acquire control of Boyertown Mutual Insurance Company. The filing was made under the requirements set forth under the Insurance Holding Companies Act, 40 P.S. §§ 991.1401 *et seq.* Persons wishing to comment on the proposed acquisition are invited to submit a written statement to the Insurance Department within 15 days from the date of publication. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Insurance Department of the exact basis of the statement. Written statements may be directed to Carolyn Smith,

Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, Fax: (717) 787-8557.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 97-529. Filed for public inspection April 4, 1997, 9:00 a.m.]

### **Review Procedure Hearings; Cancellations or Refusal of Insurance**

The following insureds have requested a hearing, as authorized by section 9(a) of the act of June 5, 1968 (P.L. 140, No. 78) (40 P.S. § 1008.9(a)) in connection with their company's termination of the insured's automobile policies.

The hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Derksience; file no. 97-280-30504; State Farm Mutual Automobile Insurance Company; doc. no. PH97-03-032; May 14, 1997, at 11 a.m.;

Appeal of Sandhu, Kultar Singh; file no. 97-308-70395; State Farm Mutual Automobile Insurance Company; doc. no. PI97-03-043; May 14, 1997, at 1 p.m.;

Appeal of Diamond, August; file no. 97-121-01150; MIC General Insurance Corporation; doc. no. P97-03-042; May 14, 1997, at 2 p.m.;

Appeal of McHugh, Thomas and Marianne; file no. 97-121-00538; Erie Insurance Group; doc. no. P97-03-040; May 15, 1997, at 11 a.m.;

Appeal of Smith, Jeffrey; file no. 97-407-90298; Erie Insurance; doc. no. E97-03-039; May 15, 1997, at 1 p.m.;

Appeal of Motter, Leon E.; file no. 97-121-01414; Donegal Mutual Insurance Company; doc. no. P97-03-045; May 15, 1997, at 2 p.m.;

Appeal of Nguyen, Duc V. and Nga; file no. 97-265-30705; The Insurance Company of the State of Pennsylvania; doc. no. PH97-03-038; May 19, 1997, at 11 a.m.;

Appeal of Frederich, Robert; file no. 97-215-30096; General Accident Insurance Company of America; doc. no. PH97-03-037; May 19, 1997, at 1 p.m.;

Appeal of Kenny, Thomas and Cheryl; file no. 97-223-30485; Zurich Personal Insurance; doc. no. PH97-03-036; May 19, 1997, at 2 p.m.;

Appeal of Ferry, Joseph and Kathleen; file no. 97-267-30555; The Travelers Indemnity Company; doc. no. PH97-03-035; May 27, 1997, at 9 a.m.;

Appeal of Webb, Izear, Jr.; file no. 97-280-30815; Pennland Insurance Company; doc. no. PH97-03-034; May 27, 1997, at 10 a.m.;

Appeal of Doweary, Charles and Karen; file no. 97-198-00944; Keystone Insurance Company; doc. no. P97-03-048; May 27, 1997, at 11 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files, documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The insured must bring any evidence which the insured may want to offer at the hearing. The hearing will be held in accordance with the requirements of sections 9

and 10 of the act (40 P. S. §§ 1008.9 and 1008.10) and 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure).

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4289.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 97-530. Filed for public inspection April 4, 1997, 9:00 a.m.]

### Review Procedure Hearings under The Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of The Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their company's termination of the insured's policies.

The hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Foster, George; file no. 97-308-70308; Erie Insurance Company; doc. no. E97-03-044; May 7, 1997, at 11 a.m.;

Appeal of Curtosi, Anthony J., Jr.; file no. 97-267-30681; White Hall Mutual Insurance Company; doc. no. PH97-03-033; May 13, 1997, at 1 p.m.;

Appeal of Creazzo, Patricia A.; file no. 97-121-00411; State Farm Insurance Companies; doc. no. P97-03-041; May 14, 1997, at 9 a.m.;

Appeal of Zaydon, Catherine; file no. 97-121-00612; Nazareth Mutual Insurance Company; doc. no. P97-03-046; May 19, 1997, at 9 a.m.;

Appeal of Dunn, Alfred, Jr. and Cheri; file no. 97-121-01154; Allstate Insurance Company; doc. no. P97-03-050; May 28, 1997, at 9 a.m.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files and other necessary evidence. The insured must bring all documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); section 8 of The Unfair Insurance Practices Act (40 P. S. § 1171.8) and the regulations set forth at 31 Pa. Code § 59.7(e) (relating to appeal procedures). Under 31 Pa. Code § 59.7(e)(5), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is given.

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues pre-

sented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4289.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 97-531. Filed for public inspection April 4, 1997, 9:00 a.m.]

### United Services Automobile Association; Personal Auto Manual

On March 14, 1997, the Insurance Department received from United Services Automobile Association a filing for a rate level change for private passenger automobile insurance.

The company requests an overall 4.5% decrease, amounting to \$3,049,109 annually, to be effective June 30, 1997.

Unless formal administrative action is taken prior to May 13, 1997, the subject filing may be deemed approved by operation of law.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Michael W. Burkett, Insurance Department, Office of Rate and Policy Regulation, Bureau of Property and Casualty Insurance, Actuarial Review Division, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 97-532. Filed for public inspection April 4, 1997, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Petitions of Rural and Small Incumbent Local Exchange Carriers

*PUC Docket No. P-00971177: Petition of Rural and Small Incumbent Local Exchange Carriers for Commission Action under Section 251(f)(2) and 253(b) of the Telecommunications Act of 1996.*

*PUC Docket No. P-00971188: Petition of Citizens Telephone Company of Kecksburg to Intervene in PUC Docket No. P-00971177 and to suspend the Interconnection Requirements of the Telecommunications Act of 1996 under Sections 251(f)(2) and 253(b).*

On February 20, 1997, the Pennsylvania Public Utility Commission (PUC) received a filing (Petition) by several rural and small local exchange companies (Petitioners). The Petition asks the PUC to grant an immediate stay of the interconnection requirements under section 251(f)(2) of the 1996 Act. The Petition also asks the PUC to suspend, for at least 24 months following final action by the FCC on Universal Service and access charge reform, the Petitioners' section 251(b) and 253(c) interconnection obligations under the 1996 Act. The Petition further wants the PUC to refuse to certify additional facilities based carriers in the rural and small service territories in exchange for a commitment to file Chapter 30 filings by July 8, 1997.

On March 13, 1997, Citizens Telephone Company of Kecksburg submitted a Petition to Intervene in PUC Docket No. P-00971188 and for relief from the 1996 Act pursuant to Sections 251(f)(2) and 253(b) of the Act.

Given the related nature of these proceedings, the Commission seeks any comment from interested parties on both Petitions. The Commission also seeks particular comment on four issues.

The PUC wants to know what, if any, factors should govern any grant of the requested stay.

The PUC wants to know what weight should be given to the fact that some rural telcos, with video programming operations in existence before enactment of the 1996 Act, are expanding those video programming operations while seeking an exemption from rural competition under the Act.

The PUC also wants to know what, if any, harm to competition is experienced from rural telco expansion of video programming operations during the pendency of this matter.

The deadline for comments is April 14, 1997. The deadline for Reply Comments is April 21, 1997. An original and 15 copies of any comments or Reply Comments must be submitted to the Pennsylvania Public Utility Commission, P. O. Box 3265, Office of the Prothonotary, Harrisburg, PA. Filings must refer to PUC Docket Nos. P-00971177 and P-00971188 collectively and filed in both dockets.

Copies of the Petition may be obtained from the Prothonotary at the PUC's offices in Harrisburg. The contact person at the PUC is Joseph K. Witmer, Esq., Law Bureau, (717) 787-3663.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 97-533. Filed for public inspection April 4, 1997, 9:00 a.m.]

### Water Service Without Hearing

**A-213550 F0012. York Water Company.** Application of the York Water Company for approval of the right to begin to offer or furnish water service to the public in the Boroughs of Glen Rock, Shrewsbury, New Freedom and Railroad, Shrewsbury Township and portions of North Hopewell and Hopewell Townships, York County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg,

with a copy served on the applicant on or before April 21, 1997, under 52 Pa. Code (relating to public utilities).

*Applicant:* The York Water Company, 130 East Market Street, P. O. Box 15089, York, PA 17405;

By and Through Counsel: Michael W. Gang, Esq., Michael W. Hassell, Esq., Morgan, Lewis and Bockius, LLP, One Commerce Square, 417 Walnut Street, Harrisburg, PA 17101-1904.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 97-534. Filed for public inspection April 4, 1997, 9:00 a.m.]

## STATE EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

Hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Harrisburg, PA 17108:

May 14, 1997	Garry L. Carpenter (Multiple Service)	1 p.m.
May 28, 1997	Stephen Crouse (Option Change)	10 a.m.
	Patricia Graham (Service Purchase)	1 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with the General Rules of Administrative Practice and Procedure, 1 Pa. Code Part II unless specific exemption is granted.

JOHN BROSIUS,  
*Secretary*

[Pa.B. Doc. No. 97-535. Filed for public inspection April 4, 1997, 9:00 a.m.]

## STATE ETHICS COMMISSION

### Thresholds for Disclosure on the Statement of Financial Interests

Section 5 of the Public Official and Employee Ethics Law (Ethics Law) (65 P.S. § 405) which sets forth the requirements for disclosure for Statements of Financial Interests filed under the Ethics Law, includes certain categories for which there are threshold dollar amounts at or beyond which disclosure must be made. Section 5(d)

(65 P. S. § 405(d)) requires that the State Ethics Commission biennially review these threshold dollar amounts to determine whether they should be increased to assure appropriate disclosure. Upon a final determination of the appropriate reporting increases, the Commission is required to publish a schedule of the increases in the *Pennsylvania Bulletin* in 2 successive months. See 65 P. S. § 405(d); 51 Pa. Code § 19.5(d).

On February 21, 1997, the State Ethics Commission reviewed and increased the dollar amounts set forth in section 5, subparagraphs (b)(4), (b)(5), (b)(6) and (b)(7)(i) of Act 9 of 1989, such that the reporting thresholds shall be as follows effective beginning with the forms that are due to be filed in 1998:

- The dollar amount in section 5(b)(4) involving creditors shall increase from \$5,000 to \$6,500;
- The dollar amount in section 5(b)(5) involving sources of income shall increase from \$1,000 to \$1,300;
- The dollar amount in section 5(b)(6) involving gifts shall increase from \$200 to \$250; and
- The dollar amount in section 5(b)(7)(i) involving certain paid/reimbursed actual expenses shall increase from \$500 to \$650.

JOHN J. CONTINO,  
*Executive Director*

[Pa.B. Doc. No. 97-536. Filed for public inspection April 4, 1997, 9:00 a.m.]

## TURNPIKE COMMISSION

### Request for Proposals

Sealed proposals will be received by Jeffrey L. Hess, Purchasing Manager, at the Administration Building, Harrisburg-East Interchange near Highspire, PA (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676) and publicly opened and read at the date and time indicated below for the following contract:

**Contract No. 96-003-RJ67.** Bituminous Overlay, ID-2, and shoulder reconstruction from MP 291.93 to MP 299.30 on the PA Turnpike in Lancaster and Berks Cos., PA.

*Bid Opening Date:* May 6, 1997, 11 a.m.

*Bid Surety:* 5%.

Plans, specifications and contract documents will be available and open to the public inspection at the Administration Building. Copies may be purchased upon payment of \$35 per set by check or P. O. Money Order (no cash) to the Turnpike Commission, Attention: Secretary-Treasurer's Office, P. O. Box 67676, Harrisburg, PA 17106-7676. No refund for any reason will be made for plans, specifications and contract documents.

A Prequalification Certification and Maximum Capacity Rating assigned by the Prequalification Committee of the Department of Transportation is a necessary prerequisite for bidding on this project.

Contact the Purchasing Manager for listing of other locations where plans and specs can be inspected.

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 97-537. Filed for public inspection April 4, 1997, 9:00 a.m.]

# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

**EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.**

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". A qualified small business concern is an independently owned, operated for profit, business employing 100 or fewer employees and is not a subsidiary or affiliate of a corporation otherwise not qualified.

Such penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter. The small business concern must include on every invoice submitted to the Commonwealth: "(name of vendor) is a qualified small business concern as defined at 4 Pa. Code § 2.32".

For information on the required payment date and annual interest rate, please call the Pennsylvania Department of Commerce, Small Business Action Center, 483 Forum Building, 783-5700.

### Reader's Guide

- ① Service Code Identification Number
- ② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services  
Location: Harrisburg, Pa.  
Duration: 12/1/93-12/30/93  
Contact: Procurement Division  
787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦  
(For Commodities: Contact:)  
Vendor Services Section  
717-787-2199 or 717-787-4705

### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

## GET THAT COMPETITIVE EDGE—FOR FREE!

Do you want to do business with your state government? The Treasury Department's office of Contract Information Services can assist you by providing you with information that may be helpful to you in successfully bidding on State contracts.

Act 244 of 1980 requires Commonwealth departments and agencies to file with the Treasury Department a copy of all contracts involving an expenditure of \$5,000 or more.

These fully executed contracts usually contain the vendor's name, dollar value, effective and termination dates and contract specifications. Some contracts also include the names of other bidding vendors and the bid proposal compiled by the awarded vendor. There is a minimal cost for photocopying contracts.

Allow the Treasury Department to "make a difference for you." For contract information call the office of Contract Information Services TOLL-FREE (in Pennsylvania) at 1-800-252-4700 or (717) 787-4586. Or you may write or visit the office at Room G13, Finance Building, Harrisburg, Pa. 17120.

BARBARA HAHER,  
*State Treasurer*

**Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x340**

### Commodities

**1846356** Air monitoring equipment—5 each Micro response wind vane, sensor cable at 60 ft. w/connector, DC heater assembly, heater cable at 60 ft. w/connector and related accessories necessary to install air monitoring stations.

**Department:** Environmental Protection  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1714386** Building materials—1 unit; restroom facility; furnish and install.

**Department:** Conservation and Natural Resources  
**Location:** Huntingdon, Huntingdon County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1910126** Camera, video—4 each Optelec spectrum 20/20 video magnification system with high resolution ccd color camera and 20" monitor, to provide magnification of full color images up to 60 X.

**Department:** Labor and Industry  
**Location:** Johnstown, Cambria County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1885156** Camera, video—2 each digital camera with 10 BIT analog to digital processing; 16 BIT DSP 850 TVL resolution; 62DB signal to noise ratio; 2/3 CCD 3X 520K pixel microlens; F8.0 sensitivity; B3 lens mount; 79 PIN interface; 1.5" viewfinder; carrying case; service manuals and extender boards and accessories.

**Department:** General Services  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1801226** Communication equipment—2 each Midland base tech low band base repeater station c-band, (42—50 MHZ) 100 watts and related components.

**Department:** Fish and Boat Commission  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1835116** Computer and related equipment—1 each mainframe disk storage for an EMC Symmetrix 5100 ICDA or equal.

**Department:** Corrections  
**Location:** Camp Hill, Cumberland County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1944116** Construction and building materials—1 lot; material required to replace tiles, abrasive surfaces.

**Department:** Corrections  
**Location:** Mercer, Mercer County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1954226** Construction and building materials—5000 sq. yd. bituminous surface course, ID-2A in place, furnished and placed.

**Department:** Fish and Boat Commission  
**Location:** Bellefonte, Centre County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1955226** Construction and building materials—4500 sq. yd. bituminous surface course, ID-2A in place, furnished and placed.

**Department:** Fish and Boat Commission  
**Location:** Bellefonte, Centre County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**8141240** Construction and building materials—200 ton, bituminous wearing course, ID-2, SRL-L and 3288 ton, bituminous wearing course, ID-2, SRL-L.

**Department:** Transportation  
**Location:** Waterford, Erie County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1783116** Construction, mining, excavating and highway maintenance equipment—1 lot; lead abatement tools and associated equipment.

**Department:** Corrections  
**Location:** Camp Hill, Cumberland County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1002117** Containers, packaging and packing supplies—4000M; milk carton, 1/2 pint w/tucked bottoms.

**Department:** Correctional Industries  
**Location:** Huntingdon, Huntingdon County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1763356** Food preparation and serving equipment—1500 each Thermos, personal cooler, 16 qt. capacity, 14" L x 10" W x 12" H, green.

**Department:** Environmental Protection  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1795306** Furniture—11 each cabinets for collections storage; various sizes; 128 each trays; various sizes.

**Department:** Historical and Museum Commission  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1431156** Furniture and related components—1 lot; furnish and install specialized music storage compartments.

**Department:** State System of Higher Education  
**Location:** Kutztown University, Kutztown, Berks County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705



**1828356** Laboratory instruments and equipment—2 each TEOM series 1400A ambient particulate (PM-10) monitor or approved equal.

**Department:** Environmental Protection  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1831356** Laboratory instruments and equipment—6 each RTI Electronics brand, Model PMX-1R, KVP/time meters.

**Department:** Environmental Protection  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**8122180** Laboratory instruments and equipment—1 each portable weigh in motion (WIM) system.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**8117310** Metal bars, sheets and shapes—18186 lbs. fabricated structural steel, mounted GR posts; offset brackets; GR beam brackets, plates, masonry PL's, base PL's, strainers; 28 each anchor bolts; 112 each 7/8" diameter ASTM A325 bolts, 2 1/4" LG and 8 each C-8X 4.25, 2'-0" LG. (aluminum).

**Department:** Transportation  
**Location:** Somerset, Somerset County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1747216** Motor vehicles, trailers and cycles—1 each 1997 model cutaway cab and chassis w/omnibus body.

**Department:** General Services  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1781386** Motor vehicles, trailers and cycles—1 each latest model low boy gooseneck trailer.

**Department:** General Services  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1823216** Motor vehicles, trailers and cycles—1 each 1997 model wheelchair converted van type passenger vehicle.

**Department:** General Services  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1866216** Motor vehicles, trailers and cycles—1 each 1997 model cab and chassis with 22' van body.

**Department:** General Services  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1907386** Motor vehicles, trailers and cycles—2 each latest model multi-terrain, self-propelled track vehicle with tow behind snow grooming equipment.

**Department:** Conservation and Natural Resources  
**Location:** Coudersport, Potter County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1908386** Motor vehicles, trailers and cycles—1 each latest model multi-terrain, self-propelled track vehicle with tow behind snow grooming equipment.

**Department:** Conservation and Natural Resources  
**Location:** Millmont, Berks County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1916126** Motor vehicles, trailers and cycles—1 each three-wheel recumbent trike.

**Department:** Labor and Industry  
**Location:** Johnstown, Cambria County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**8231750** Motor vehicles, trailers and cycles—6 each latest model trailer, utility, enclosed, 7,000 lbs.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**8970010** Motor vehicles, trailers and cycles—65 each latest model dump truck, Type IV, manual transmission, aluminum bed; 51 each latest model dump truck, Type IV, manual transmission, steel bed.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1741306** Motors, electrical repairs—1 lot; disconnect electric to two 25 horsepower motors, remove and store safely. Remove 4 bearing blocks complete w/shaft and gears; transport to shop for repairs. Replace bearings in existing housings. Transport completed assemblies back to the site and reinstall on turntable. Make electrical connections, lubricate and adjust for proper operation. Prime and paint metal surfaces.

**Department:** Historical and Museum Commission  
**Location:** Strasburg, Lancaster County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1938076** Paper and printing—350M; Local Registrar's Certification of Death.

**Department:** Health  
**Location:** New Castle, Lawrence County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1939076** Paper and printing—500M; Certification of Birth.

**Department:** Health  
**Location:** New Castle, Lawrence County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1940076** Paper and printing—800M; Local Registrar's Certification of Death.

**Department:** Health  
**Location:** New Castle, Lawrence County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1942386** Paper and printing—759,000 maps, "Recreational Guide."

**Department:** Conservation and Natural Resources  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1921116** Plumbing, heating and sanitation equipment—closet water, vitreous china—40 each plain—rim mounted flush valve bowl with integral china seat, 1-1/2" back spud; 25 each elongated bowl, floor mounted wall outlet flush valve bowl with integral china seat, 1-1/2" back spud and 50 each lavatories, prison.

**Department:** Corrections  
**Location:** Pittsburgh, Allegheny, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1872116** Refrigerator and AC equip., 1 ea. outside free standing freezer box.

**Department:** Corrections  
**Location:** Somerset, Somerset County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1832386** Tents and tarpaulins—2 each year-round universal recreational tent, 20' diameter.

**Department:** Conservation and Natural Resources  
**Location:** Sigel, Jefferson County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

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# SERVICES

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## Agricultural Services—02

**3509** The Farm Department at Graterford Correctional Institution will be seeking vendors to supply the following commodities. Included shall be: 150 ton—herbicides, fertilizers, lime, seeds for planting, and silage inoculants. 800,000 lbs. raw milk. 500 ton various dairy feeds. All amounts are estimates and may vary according to actual needs. Contracts to be awarded throughout the fiscal year: July 1, 1997 through June 30, 1998.

**Department:** Corrections  
**Location:** Correctional Industries, P. O. Box 246 (Off Route 29), Graterford, PA 19426  
**Duration:** July 1, 1997 through June 30, 1998  
**Contact:** G. L. Arasin, Manager I, (610) 489-4151, ext. 2310

**293159** Correctional Industries at State Correctional Institution Graterford seeks a Service Purchase Contract to provide repair and maintenance services to the milking systems located in our A and B Barns. The equipment is Delavel Milking Systems. This service will be on an as-needed basis.

**Department:** Correctional Industries  
**Location:** State Correctional Institution Graterford, P. O. Box 244 (Off Route 29), Graterford, Montgomery County, PA 19426  
**Duration:** 07/01/97 to 06/30/2000  
**Contact:** J. L. Barber, Purchasing Agent I, (610) 489-4151, ext. 2310

## Audio/Video—04

**SP 322377** Closed/Open Video Captioning/Subtitling. Pre-recorded and Live Broadcast Captioning.

**Department:** General Services  
**Location:** Commonwealth Media Services, 333 Market Street, 2nd Floor, Harrisburg, PA 17126-0333  
**Duration:** July 1, 1997—June 30, 1998  
**Contact:** Dennis Brown, (717) 787-9823

**SP 322378** VHS Video Duplication.

**Department:** General Services  
**Location:** Commonwealth Media Services, 333 Market Street, 2nd Floor, Harrisburg, PA 17126-0333  
**Duration:** July 1, 1997—June 30, 1998  
**Contact:** Gayle Fox, (717) 783-8033

## Barber/Cosmetology Services—05

**136** Provide haircuts for the youths at Youth Forestry Camp No. 3.

**Department:** Public Welfare  
**Location:** Loysville Youth Development Center, Youth Forestry Camp No. 3, R. D. 1, Box 175, James Creek, PA 16657  
**Duration:** 7/1/97 to 6/30/2002  
**Contact:** Mary Lou Auman, Purchasing Agent, (717) 789-5508

## Computer Related Services—08

**BDD-02-97** The vendor is to provide services related to the electronic capturing of medical records from provider sites and transmission of this data electronically to BDD sites. The vendor is expected to perform the following tasks: gather medical evidence at the provider sites; scan the evidence; transmit the data to the BDD site overnight; print the records at the appropriate BDD site; and store the records electronically allowing access to the stored record from BDD's LAN sites. The vendor will provide to BDD at no charge all hardware and software for this purpose.

**Department:** Labor and Industry  
**Location:** Bureau of Disability Determination, Harrisburg, Dauphin County; Wilkes-Barre, Luzerne County; Greensburg, Westmoreland County, PA  
**Duration:** 24 months  
**Contact:** Gilbert Intrieri, (717) 783-3620

**10-97-09** Data entry of Pennsylvania State Police daily activity transactions.

**Department:** State Police  
**Location:** 1800 Elmerton Avenue, Harrisburg, PA  
**Duration:** 7-1-97 through 6-30-98  
**Contact:** Floyd L. Hartley, (717) 783-5580

**IFB 314431** The Department of Aging is seeking to secure a contractor to provide data entry and data entry verification services. Numerous reports and other data on various forms are submitted to the Department by fifty-two (52) Area Agencies on Aging (AAAs) located throughout the Commonwealth. This data must be keyed from the input forms so that it may be loaded to the Department's IBM AS400 computer system. Entry and verification of this data must be accomplished expeditiously and with a high degree of accuracy in order to meet established reporting deadlines. Sealed proposals will be received by the Department until 10:00 a.m. on Wednesday, April 30, 1997. Bid opening will be held at 10:00 a.m. on that same day in Conference Room 7B. Interested bidders must request a copy of the IFB by calling (717) 783-3704, or in writing to the Department of Aging, Bureau of Administrative Services, 400 Market Street, 7th Floor, Harrisburg, PA 17101-2301.

**Department:** Aging  
**Location:** Harrisburg, PA  
**Duration:** July 1, 1997 through June 30, 2002  
**Contact:** Gerald S. O'Neal, (717) 783-3126

**RFP 96-07-12** Contractor to provide an existing application system that meets Pennsylvania Statewide Immunization Information System requirements for an immunization tracking system.

**Department:** Health  
**Location:** Harrisburg, PA  
**Duration:** 2/1/98 to 1/31/03  
**Contact:** Division of Health Statistics and Res., (717) 783-2548

## Construction and Construction Maintenance—09

**1452** Contractor shall repair and/or replace existing slate roofs (approximately 800 pieces) and copper flashing as needed on East and West Wing of inmate housing building. Bids available through Agency Purchasing Office.

**Department:** Corrections  
**Location:** State Correctional Institution at Rockview, Route 26, Box A, Bellefonte, PA 16823  
**Duration:** 5-1-97 through 8-30-97  
**Contact:** Lloyd C. Mellott, Purchasing Agent, (814) 355-4874, ext. 206

**080953** Crawford County Group 1-97-101; Mercer County Group 1-97-400; Mercer County Group 1-97-401; Warren County Group 1-97-600; Erie County Group 1-97-200; Venango County Group 1-97-500; Venango County Group 1-97-501; Forest County Group 1-97-300; Schuylkill County Group 5-96-POC6C.

**Department:** Transportation  
**Location:** Districts 1-0, 5-0  
**Duration:** FY 1996-97  
**Contact:** V. C. Shah, (717) 787-5914

**080954** Crawford County SR 8 (06M, 01A); Erie County SR 4018 (000); Centre County SR 144 (A01); Clearfield County Group 2-97-ST6; Mifflin County SR 22 (700); Columbia County SR 80 (61M, 62M); Tioga County SR 3001 (002); Union County SR 192 (15M); Lackawanna County SR 6 (207, 219); Lackawanna County Group 4-97-GRI; District Wide Group 6-97-LEM; Chester County SR 41 (S53, S54); District Wide Group 3-97-TLP; Franklin County Group 8-97-GR3; York County SR 114 (003); Lancaster County SR 1061 (001); Perry County Group 8-97-GR9; Huntingdon County Group 9597-RS1; Somerset County Group 9797-RS2; Somerset County Group 9797-RS3; Indiana County SR 422 (404); Allegheny County Group 111-96-7135-3; Beaver County SR 3016 (B03).

**Department:** Transportation  
**Location:** Districts 1-0, 2-0, 3-0, 4-0, 6-0, 8-0, 9-0, 10-0, 11-0  
**Duration:** FY 1996-97  
**Contact:** V. C. Shah, (717) 787-5914

**080955** District Wide Group 2-97-LP1; Lackawanna County Group 4-97-MB2; Luzerne County Group 4-97-MB3; Wyoming County Group 4-97-MC5; Philadelphia County Group 6-97-GRAF; District Wide Group 9-97-RPM1; Allegheny County SR 51 (A29); Lehigh County Group 5-97-POC3B; Schuylkill County Group 5-97-POC6B.

**Department:** Transportation  
**Location:** Districts 2-0, 4-0, 5-0, 6-0, 9-0, 10-0, 11-0  
**Duration:** FY 1996-97  
**Contact:** V. C. Shah, (717) 787-5914

**304-07390** Contractor to repave Area No. 18, Circle Area of Labor and Industry Building (Boas Street Side) as follows: repair cracking, mill at paving joints, pave with 1-1/2" ID-2 wearing 1,220 sq. yds., seal paving joints and curb with AC-20M guarantee one year, and work to be performed on weekend, Saturday and/or Sunday.

**Department:** General Services  
**Location:** Buildings and Grounds, Labor and Industry Building (Capitol Complex), Boas Street, Harrisburg, PA  
**Duration:** April 28, 1997 through June 20, 1997  
**Contact:** Bill Myers, (717) 787-6463

**AE-1605** Construction of a material storage building. FAX (717) 783-7971.

**Department:** Transportation  
**Location:** Maintenance District 3-4, Stockpile 1, Sunbury, Northumberland County, PA  
**Duration:** 90 calendar days—proposed bid May 1997  
**Contact:** Tina Chubb, (717) 787-7001

**AE-2814** Construction of a material storage building. FAX (717) 787-7971.

**Department:** Transportation  
**Location:** Maintenance District 8-3, Stockpile No. 1, Chambersburg, Franklin County, PA  
**Duration:** 90 calendar days—proposed bid May 1997  
**Contact:** Tina Chubb, (717) 787-7001

**Contract No. DGS A 126-1ADA** Project title: Comfort Station Accessibility Alterations. Brief description: minor alterations to existing comfort station for ADA improvements and general exterior work; new CMU walls and shingle roofing; interior general repairs and finishing. General construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Telephone: (717) 787-3923. Bid date: Wednesday, April 16, 1997 at 2:00 p.m.

**Department:** General Services  
**Location:** Frances Slocum State Park, Kingston Township, Luzerne County, PA  
**Duration:** 120 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**Contract No. DGS A 251-268** Project title: Paint Storage Building. Brief description: provide a complete "pole" building with overhead doors, concrete floor and steel siding. General construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: Commonwealth of Pennsylvania, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Telephone: (717) 787-3923. Bid date: Wednesday, April 16, 1997 at 2:00 p.m.

**Department:** General Services  
**Location:** PennDOT Maintenance District 8-4, York, York County, PA  
**Duration:** 120 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**Contract No. DGS A 251-269** Project title: Paint Storage Building. Brief description: provide a complete "pole" building with overhead doors, concrete floor and steel siding. General construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Telephone: (717) 787-3923. Bid date: Wednesday, April 16, 1997 at 2:00 p.m.

**Department:** General Services  
**Location:** PennDOT Maintenance District 8-5, Harrisburg, Dauphin County, PA  
**Duration:** 120 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**Contract No. DGS A 251-443** Project title: Roof Replacement. Brief description: remove existing roof system and install new single ply roof system with tapered insulation and new metal roof edge. General construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Telephone: (717) 787-3923. Bid date: Wednesday, April 30, 1997 at 11:00 a.m.

**Department:** General Services  
**Location:** PennDOT District 12-0, Uniontown, Fayette County, PA  
**Duration:** 120 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS A 376-4** Project title: Replacement of gutters and downspouts—Unit B and C. Brief description: replacement of gutters and downspouts on Buildings B and C. Install new snow melting cables in gutters, downspouts and halfway up valleys and necessary electrical work. General and electrical construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Telephone: (717) 787-3923. Bid date: Wednesday, April 16, 1997 at 11:00 a.m.

**Department:** General Services  
**Location:** State Correctional Institution—Laurel Highlands, Somerset, Somerset County, PA  
**Duration:** 150 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS A 553-76** Project title: Install New Panelboards in Group "E" Cottages. Brief description: furnish and install new panelboards (4 required) along with associated feeders in group "E" Complex. Electrical construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Telephone: (717) 787-3923. Bid date: Wednesday, April 23, 1997 at 2:00 p.m. A pre-bid conference has been scheduled for Monday, April 7, 1997 at 10:30 a.m., at the Fire House Building No. 8, Selinsgrove Center, Selinsgrove, PA. Contact person: Hugh Grimes at (717) 372-5140. All contractors who have secured contract documents are invited and urged to attend this pre-bid conference.

**Department:** General Services  
**Location:** Selinsgrove Center, Selinsgrove, Snyder County, PA  
**Duration:** 120 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS A 940-48** Project title: Construct a Photo Lab and Studio. Brief description: work includes constructing a photo lab and studio in the warehouse at 22nd and Forster Streets; with offices, film processing labs, finish rooms, cold storage rest rooms and mechanical room (10,000 square feet); install an elevator/stair tower to front of existing warehouse. General, mechanical, plumbing and electrical construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Telephone: (717) 787-3923. Bid date: Thursday, April 24, 1997 at 2:00 p.m.

**Department:** General Services  
**Location:** 22nd and Forster Streets, Harrisburg, Dauphin County, PA  
**Duration:** 200 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS 948-41EC3 Revised Rebid** Project title: Asbestos and Hazardous Materials Abatement. Brief description: removal and disposal of asbestos and hazardous materials and the abatement of PCB contamination in levels 1 through 12, roof, penthouse, tower exterior and other areas of the building. Asbestos and hazardous materials abatement. Plans deposit: \$100.00 for one (1) set. Payable to: CRSS Constructors, Inc. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: Reliance Reprographics, Inc., P.O. Box 89, Earlington, PA 18918, Attn: Matthew F. Swartz, telephone (215) 723-4500. Bid date: Thursday, May 8, 1997 at 2:00 p.m. A mandatory pre-bid conference has been scheduled for Thursday, April 24, 1997 at 1:30 p.m. Meeting to be held in Room G-113, Transportation and Safety Building, Harrisburg, PA. The building walk-through will immediately follow the pre-bid conference. Contact persons: Bob Mentel or Joan Killian, telephone (717) 233-7507. Bids received from bidders not in attendance at the mandatory pre-bid conference and building walk-through will be rejected.

**Department:** General Services  
**Location:** Transportation and Safety Building, Harrisburg, Dauphin County, PA  
**Duration:** 110 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS A 953-49** Project title: Remove Heating Oil Tanks. Brief description: remove two (2) 12,000 gallon underground fuel oil tanks, backfill excavation and pave area. Install 20' x 138' x 10" reinforced concrete landing pad in front of loading docks. Miscellaneous construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Telephone: (717) 787-3923. Bid date: Thursday, April 17, 1997 at 11:00 a.m.

**Department:** General Services  
**Location:** Philadelphia Distribution Center, Philadelphia, Philadelphia County, PA  
**Duration:** 90 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS A 970-102** Project title: Roof Replacement. Brief description: replace lower roof in Armory Building. Also reuse or remove accessory items such as wood cant, wood roof decking, drains, downspouts and gutters, splash plans, perimeter flashing and counterflashing, roof hatch and/or all existing flashing as required. General construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Telephone: (717) 787-3923. Bid date: Wednesday, April 16, 1997 at 2:00 p.m.

**Department:** General Services  
**Location:** National Armory Building, Mansfield, Tioga County, PA  
**Duration:** 120 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS A 999-99** Project title: Stabilize Seawall at Governor Printz Park. Brief description: repair existing stone seawall (400 L.F.). General construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Telephone: (717) 787-3923. Bid date: Wednesday, April 30, 1997 at 11:00 a.m.

**Department:** General Services  
**Location:** Governor Printz Park, Essington, Delaware County, PA  
**Duration:** 90 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS A 1570-16** Project title: Replace Sallyport Gates. Brief description: replace Sallyport gates and controls at two (2) Sallyport gates. Miscellaneous construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Telephone: (717) 787-3923. Bid date: Wednesday, April 30, 1997 at 11:00 a.m.

**Department:** General Services  
**Location:** State Correctional Institution, Greensburg, Westmoreland County, PA  
**Duration:** 135 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**MI-659** Project title: Boyer Parking Lot Replacement. Scope of work: repair asphalt parking lot at Boyer Building, including the relocation of entrance to Frederick Street, relining of spaces, providing and installing light fixtures, etc. Plans cost: \$100.00.

**Department:** State System of Higher Education  
**Location:** Boyer Parking Lot, Millersville University, Millersville, Lancaster County, PA 17551-0302  
**Duration:** June 2, 1997—August 1, 1997  
**Contact:** Bernadette J. Wendler, Dilworth Building, (717) 872-3829

**MI-694** Project title: James Street Parking Lot. Scope of work: expand and repair asphalt parking lot along James Street which includes the excavation and installation, as well as storm weather measures, reline spaces, provide and install new lighting. Plans cost: \$100.00.

**Department:** State System of Higher Education  
**Location:** James Street Parking Lot, Millersville University, Millersville, Lancaster County, PA 17551-0302  
**Duration:** June 2, 1997—August 1, 1997  
**Contact:** Bernadette J. Wendler, Dilworth Building, (717) 872-3829

## Court Reporting—10

**SP 322376** Vendor to provide court reporting services for hearings, depositions, and meetings in the Harrisburg area.

**Department:** General Services  
**Location:** Office of the Chief Counsel, Room 603, North Office Building, Harrisburg, PA 17125  
**Duration:** July 1, 1997 through June 30, 2000  
**Contact:** Kathy Lewis, (717) 787-5599

## Elevator Maintenance—13

**ER-97** Vendor shall perform elevator maintenance service as requested in various locations of the Southeastern PA Veterans Center.

**Department:** Military and Veterans Affairs  
**Location:** Southeastern PA Veterans Center, Spring City, Chester County, PA 19475  
**Duration:** July 1, 1997—June 30, 2000  
**Contact:** Theresa Barthel, Purchasing Agent, (610) 948-2493

**FM-39** Furnish all labor, materials and equipment to provide a complete service and preventive maintenance program for one (1) Schindler passenger elevator. Service shall include monthly scheduled preventive maintenance and servicing including all necessary additional service calls that are required.

**Department:** State Police  
**Location:** Facility Management Division, Lancaster Headquarters, 2099 Lincoln Highway East, Lancaster, PA 17602  
**Duration:** 7/1/97 to 6/30/00  
**Contact:** Les Brightbill or Joan Douglass, (717) 783-5484

## Extermination Services—16

**639027-005** Thaddeus Stevens State School of Technology will be accepting bids for pest control services. Contractor shall furnish all labor, material, and equipment necessary for the proper extermination service as outlined in the Invitation For Bid. Bids can be obtained by contacting Ms. Betty Tompos, Business Manager, 750 East King Street, Lancaster, PA 17602.

**Department:** Education  
**Location:** Thaddeus Stevens State School of Technology, 750 East King Street, Lancaster, PA 17602  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Betty Tompos, Business Manager, (717) 299-7749

**SP344721** Provide pest control services for the Philadelphia County Assistance Offices—including twenty one (21) District Offices. Complete details and specifications may be obtained by contacting the Procurement Office.

**Department:** Public Welfare  
**Location:** 1400 Spring Garden Street, Room 701-97-15, Philadelphia, PA 19130  
**Duration:** 07-01-97—06-30-00 with two one-year renewal options  
**Contact:** Lori Vessella, (717) 783-9281

## Firefighting Services—18

**APR No. 5** Vendor to furnish labor and materials for the testing and recharging of fire extinguishers for the fiscal year July 1, 1997 through June 30, 1998. Work to be coordinated with Mr. Michael D. Brooks, Fire and Safety Coordinator, Suite 70E, Capitol Addition, Harrisburg, PA 17125, telephone (717) 787-3592. Approximate number of extinguishers to be serviced: hydrostatic test only—2 1/2 gallon pressurized water: 350 each; recharge only—ABC Dry Chemical: 100 each; hydrostatic test and recharge—CO2: 50 each; ABC Dry Chemical—175 each; refill and recharge—Halon 1211: 98 each; ABC Dry Chemical: 105 each; refill, hydrostatic test and recharge—ABC Dry Chemical: 245 each. Extinguishers to be picked up and delivered at the loading ramp of the Finance Building. Invoicing to be made only for actual work performed.

**Department:** General Services  
**Location:** Police and Safety, Room B-04, Finance Building, Capitol Complex, Harrisburg, Dauphin County, PA 17125  
**Duration:** July 1, 1997 through June 30, 1998  
**Contact:** Charles Klein, (717) 787-9635

## Food—19

**No. 116** Miscellaneous meats—for a 3 month period beginning July 1, 1997 through September 30, 1997. Delivery schedule, dates, quantities and complete specifications can be obtained from the Hospital. Award will be made on an item for item basis.

**Department:** Public Welfare  
**Location:** Wernersville State Hospital, Wernersville, Berks County, PA 19565-0300  
**Duration:** July, August, September 1997  
**Contact:** Karl Koenig, Purchasing Agent, (610) 670-4127

**No. 117** Poultry—for a 3 month period beginning July 1, 1997 through September 30, 1997. Delivery schedule, dates, quantities and complete specifications can be obtained from the hospital. Award will be made on an item for item basis.

**Department:** Public Welfare  
**Location:** Wernersville State Hospital, Wernersville, Berks County, PA 19565-0300  
**Duration:** July, August, September 1997  
**Contact:** Karl Koenig, Purchasing Agent, (610) 670-4127

**No. 118** Dairy products and drinks—for a 6 month period beginning July 1, 1997 through December 31, 1997. Delivery schedule, dates, quantities and complete specifications can be obtained from the hospital. Award will be made on an item for item basis.

**Department:** Public Welfare  
**Location:** Wernersville State Hospital, Wernersville, Berks County, PA 19565-0300  
**Duration:** July, August, September, October, November, December 1997  
**Contact:** Karl Koenig, Purchasing Agent, (610) 670-4127

**No. 119** Ice cream and sherbet—ice cream cups (4 oz.), ice cream (gallon container), sherbet (4 oz. cups), and sherbet (gallon container). Delivery schedule, dates, quantities and complete specifications can be obtained from the hospital. Award will be made on an item for item basis.

**Department:** Public Welfare  
**Location:** Wernersville State Hospital, Wernersville, Berks County, PA 19565-0300  
**Duration:** July 1 through June 30, 1998  
**Contact:** Karl Koenig, Purchasing Agent, (610) 670-4127

**No. 120** Bread and rolls (fresh)—white bread, rye bread, cracked wheat bread, raisin bread, low sodium bread, hamburger rolls, frankfurter rolls, dinner rolls and English muffins. Delivery schedule, dates, quantities and complete specifications can be obtained from the hospital. Award will be made on an item for item basis.

**Department:** Public Welfare  
**Location:** Wernersville State Hospital, Wernersville, Berks County, PA 19565-0300  
**Duration:** July 1, 1997 through June 30, 1998  
**Contact:** Karl Koenig, Purchasing Agent, (610) 670-4127

**1154** Bread and related products: contracts shall cover the months of July 1997 through June 1998 with issuance of bid proposals made on a semi-annual (or more frequent) basis. Delivery of the product(s) specified shall be made as needed and requested by the Institution. Listing of specific commodities and estimated quantities can be obtained by contacting the institutional contact person.

**Department:** Corrections  
**Location:** State Correctional Institution at Greensburg, R. D. 10, Box 10, Route 119 South, Greensburg, PA 15601-8999  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Charles W. Kovach, (412) 837-4397, ext. 337

**1155** Soda beverage syrup and related items: contract shall be for the months of July 1997 through June 2000. Delivery of the product(s) specified shall be made as needed and requested by the Institution on a daily basis. Listing of specific commodities and estimated quantities can be obtained by contacting the institutional contact person.

**Department:** Corrections  
**Location:** State Correctional Institution at Greensburg, R. D. 10, Box 10, Route 119 South, Greensburg, PA 15601-8999  
**Duration:** July 1, 1997 to June 30, 2000  
**Contact:** Charles W. Kovach, (412) 837-4397, ext. 337

**1156** Bakery supplies: contracts shall cover the months of July 1997 through June 1998 with issuance of bid proposals made on an annual (or more frequent) basis. Delivery of the product(s) specified shall be made as needed and requested by the Institution. Listing of specific commodities and estimated quantities can be obtained by contacting the institutional contact person.

**Department:** Corrections  
**Location:** State Correctional Institution at Greensburg, R. D. 10, Box 10, Route 119 South, Greensburg, PA 15601-8999  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Charles W. Kovach, (412) 837-4397, ext. 337

**1157** Cheese products: contracts shall cover the months of July 1997 through June 1998 with issuance of bid proposals made on a quarterly (or more frequent) basis. Delivery of the product(s) specified shall be made approximately one time each month, or more often if deemed necessary by the Institution. Listing of specific commodities and estimated quantities can be obtained by contacting the institutional contact person.

**Department:** Corrections  
**Location:** State Correctional Institution at Greensburg, R. D. 10, Box 10, Route 119 South, Greensburg, PA 15601-8999  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Charles W. Kovach, (412) 837-4397, ext. 337

**1158** Dairy and related products: contracts shall cover the months of July 1997 through June 1998 with issuance of bid proposals made on a semi-annual (or more frequent) basis. Delivery of the product(s) specified shall be made approximately one or two days each week, or more often if deemed necessary by the Institution. Listing of specific commodities and estimated quantities can be obtained by contacting the institutional contact person. Separate solicitations shall be made for commodities as controlled and uncontrolled by the Pennsylvania Milk Marketing Board.

**Department:** Corrections  
**Location:** State Correctional Institution at Greensburg, R. D. 10, Box 10, Route 119 South, Greensburg, PA 15601-8999  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Charles W. Kovach, (412) 837-4397, ext. 337

**1159** Fish and seafood: contracts shall cover the months of July 1997 through June 1998 with issuance of bid proposals made on a quarterly (or more frequent) basis. Delivery of the product(s) specified shall be made approximately one time each month, or more often if deemed necessary by the Institution. Listing of specific commodities and estimated quantities can be obtained by contacting the institutional contact person.

**Department:** Corrections  
**Location:** State Correctional Institution at Greensburg, R. D. 10, Box 10, Route 119 South, Greensburg, PA 15601-8999  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Charles W. Kovach, (412) 837-4397, ext. 337

**1160** Fresh fruits and vegetables: contracts shall cover the months of July 1997 through June 1998 with issuance of bid proposals made on a monthly (or more frequent) basis. Delivery of the product(s) specified shall be made as needed and requested by the Institution. Listing of specific commodities and estimated quantities can be obtained by contacting the institutional contact person.

**Department:** Corrections  
**Location:** State Correctional Institution at Greensburg, R. D. 10, Box 10, Route 119 South, Greensburg, PA 15601-8999  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Charles W. Kovach, (412) 837-4397, ext. 337

**1161** Margarine: contracts shall cover the months of July 1997 through June 1998 with issuance of bid proposals made on a semi-annual (or more frequent) basis. Delivery of the product(s) specified shall be made as needed and requested by the Institution. Listing of specific commodities and estimated quantities can be obtained by contacting the institutional contact person.

**Department:** Corrections  
**Location:** State Correctional Institution at Greensburg, R. D. 10, Box 10, Route 119 South, Greensburg, PA 15601-8999  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Charles W. Kovach, (412) 837-4397, ext. 337

**1162** Meat and meat products: contracts shall cover the months of July 1997 through June 1998 with issuance of bid proposals made on a quarterly (or more frequent) basis. Delivery of the product(s) specified shall be made approximately one time each month, or more often if deemed necessary by the Institution. Listing of specific commodities and estimated quantities can be obtained by contacting the institutional contact person.

**Department:** Corrections  
**Location:** State Correctional Institution at Greensburg, R. D. 10, Box 10, Route 119 South, Greensburg, PA 15601-8999  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Charles W. Kovach, (412) 837-4397, ext. 337

**1163** Miscellaneous frozen foods: contracts shall cover the months of July 1997 through June 1998 with issuance of bid proposals made on a quarterly (or more frequent) basis. Delivery of the product(s) specified shall be made approximately one time each month, or more often if deemed necessary by the Institution. Listing of specific commodities and estimated quantities can be obtained by contacting the institutional contact person.

**Department:** Corrections  
**Location:** State Correctional Institution at Greensburg, R. D. 10, Box 10, Route 119 South, Greensburg, PA 15601-8999  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Charles W. Kovach, (412) 837-4397, ext. 337

**1164** Poultry and poultry products: contracts shall cover the months of July 1997 through June 1998 with issuance of bid proposals made on a quarterly (or more frequent) basis. Delivery of the product(s) specified shall be made approximately one time each month, or more often if deemed necessary by the Institution. Listing of specific commodities and estimated quantities can be obtained by contacting the institutional contact person.

**Department:** Corrections  
**Location:** State Correctional Institution at Greensburg, R. D. 10, Box 10, Route 119 South, Greensburg, PA 15601-8999  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Charles W. Kovach, (412) 837-4397, ext. 337

**1165** Shell eggs: contracts shall cover the months of July 1997 through June 1998 with issuance of bid proposals made on a quarterly (or more frequent) basis. Delivery of the product(s) specified shall be made approximately one time every two weeks, or more often if deemed necessary by the Institution. Listing of specific commodities and estimated quantities can be obtained by contacting the institutional contact person.

**Department:** Corrections  
**Location:** State Correctional Institution at Greensburg, R. D. 10, Box 10, Route 119 South, Greensburg, PA 15601-8999  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Charles W. Kovach, (412) 837-4397, ext. 337

**5940** Dairy products and drinks for the months of July through December 1997. Specifications and delivery dates available upon request from agency.

**Department:** Public Welfare  
**Location:** Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300  
**Duration:** July through December 1997  
**Contact:** Jack W. Heinze, Purchasing Agent, (717) 772-7435

**5941** Juices, frozen for the months of July through December 1997. Specifications and delivery dates available upon request from agency.

**Department:** Public Welfare  
**Location:** Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300  
**Duration:** July through December 1997  
**Contact:** Jack W. Heinze, Purchasing Agent, (717) 772-7435

**5942** Pies and cakes, fresh for the months of July through December 1997. Specifications and delivery dates available upon request from agency.

**Department:** Public Welfare  
**Location:** Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300  
**Duration:** July through December 1997  
**Contact:** Jack W. Heinze, Purchasing Agent, (717) 772-7435

**5943** Miscellaneous foods for July, August, and September 1997. Specifications and delivery dates available upon request from agency.

**Department:** Public Welfare  
**Location:** Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300  
**Duration:** July, August, and September 1997  
**Contact:** Jack W. Heinze, Purchasing Agent, (717) 772-7435

**5944** Poultry and poultry products for July, August, and September 1997. Specifications and delivery dates available upon request from agency.

**Department:** Public Welfare  
**Location:** Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300  
**Duration:** July, August, and September 1997  
**Contact:** Jack W. Heinze, Purchasing Agent, (717) 772-7435

**5945** Meat and meat products for July, August, and September 1997. Specifications and delivery dates available upon request from agency.

**Department:** Public Welfare  
**Location:** Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300  
**Duration:** July, August, and September 1997  
**Contact:** Jack W. Heinze, Purchasing Agent, (717) 772-7435

**97-002** Miscellaneous foods (frozen juice) as follows: 2,912 dozen apple juice, unsweetened; 1,664 dozen grape juice, unsweetened; 2,912 dozen orange juice, unsweetened; 1,664 dozen orange/pineapple juice, unsweetened; and 1,248 dozen cranberry juice drink. Bids will be awarded to the lowest bidder on an aggregated total. Bids will be opened at this facility on April 22, 1997 at 2:30 p.m.

**Department:** Public Welfare  
**Location:** Bensalem Youth Development Center, 3701 Old Trevoise Road, Bensalem, PA 19020  
**Duration:** July, 1997 through June 1998  
**Contact:** Dorthia Claud-Williams, Purchasing, (215) 953-6412

**97-003** Pastries and cakes, fresh as follows: 140 dozen buns, sticky w/nuts; 400 dozen coffee cake w/crumb topping; 156 dozen doughnuts, (assorted); 96 dozen muffins, (assorted); 400 dozen Danish, unwrapped, assorted fruit filled; 900 each pretzels, soft, 4" round; 1,560 each Vend-A-Pies, 4" individually wrapped (assorted); 22 cases brownies, chocolate w/fudge nut chocolate icing; 48 each chocolate sheet cake w/chocolate icing; 48 each gold sheet cake w/white icing; 48 each gold sheet cake w/chocolate icing; 33 cases pound cake individually wrapped; 300 bagels, sliced; and 90 each carrot cake, round.

**Department:** Public Welfare  
**Location:** Bensalem Youth Development Center, 3701 Old Trevoise Road, Bensalem, PA 19020  
**Duration:** July, 1997 through December 1997  
**Contact:** Dorthia Claud-Williams, Purchasing, (215) 953-6412

**4620-02** The Department of Transportation will solicit vending services for: Pike County, Site K. Items vended will be limited to nonperishables such as soda/juice, candy/snacks, ice cream, sandwiches and hot drinks. The vendor will be responsible for the installation, stocking and maintenance of a minimum of five vending machines. General liability insurance will be required. Contracts will be awarded to the highest monthly fee bid to the Department of Transportation expressed in lump sum bid form. Persons interested in obtaining a proposal to bid should contact the name listed below within 10 days of this notice. Bid opening is April 30, 1997 in Room F7B, 7th Floor, Forum Place, 555 Walnut Street, Harrisburg at 2:00 p.m.

**Department:** Transportation  
**Location:** Pike County, I-84 WB  
**Duration:** 2 years, 3 months per specifications and provisions  
**Contact:** LuAnn J. Shadle, (717) 787-0188

**FS97** Contractor shall supply various food items. These items will be bid quarterly except produce which is bid monthly. Quarterly bid items are delivered monthly as specified. Produce ordered weekly as needed.

**Department:** Corrections  
**Location:** State Correctional Institution Cambridge Springs, 451 Fullerton Avenue, Cambridge Springs, PA 16403  
**Duration:** 7-1-97 to 6-30-98  
**Contact:** Quentin Hargenrater, Jr., (814) 398-5442

**FS 3795** The contractor shall supply all equipment and supplies required for the dispensing of carbonated soft drink beverages in the Institution's Dietary Department.

**Department:** Corrections  
**Location:** State Correctional Institution at Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652  
**Duration:** July 1, 1997 through June 30, 2000  
**Contact:** Peggy A. Chilcote, Purchasing Agent, (814) 643-6520

**LH-F066** Frozen eggs: products to be bid quarterly or more frequent basis. Delivery to be made once per month or more frequent if needed. Bid on file at Institution.

**Department:** Corrections  
**Location:** State Correctional Institution at Laurel Highlands, 5706 Glades Pike, P. O. Box 631, Somerset, PA 15501-0631  
**Duration:** 07/01/97 to 06/30/98  
**Contact:** Carole Kolesko, Purchasing Agent I, (814) 443-0366

**R-4-97** Meat and meat products. Call Purchasing for details.

**Department:** Public Welfare  
**Location:** Institution Warehouse, White Haven Center, White Haven, Luzerne County, PA 18661-9602  
**Duration:** July, August, September 1997  
**Contact:** Sandra A. Repak, Purchasing Agent, (717) 443-4232

**R-5-97** Miscellaneous frozen foods. Call Purchasing for details.

**Department:** Public Welfare  
**Location:** Institution Warehouse, White Haven Center, White Haven, Luzerne County, PA 18661-9602  
**Duration:** July, August, September 1997  
**Contact:** Sandra A. Repak, Purchasing Agent, (717) 443-4232

**R-9-97** Preportioned juice. Call Purchasing for details.

**Department:** Public Welfare  
**Location:** Institution Warehouse, White Haven Center, White Haven, Luzerne County, PA 18661-9602  
**Duration:** July, August, September 1997  
**Contact:** Sandra A. Repak, Purchasing Agent, (717) 443-4232

**R-12-97** Dairy products and drinks. Call Purchasing for details.

**Department:** Public Welfare  
**Location:** Institution Warehouse, White Haven Center, White Haven, Luzerne County, PA 18661-9602  
**Duration:** July, August, September 1997  
**Contact:** Sandra A. Repak, Purchasing Agent, (717) 443-4232

**R-16-97** Ice cream. Call Purchasing for details.

**Department:** Public Welfare  
**Location:** Institution Warehouse, White Haven Center, White Haven, Luzerne County, PA 18661-9602  
**Duration:** July, August, September, October, November, December 1997  
**Contact:** Sandra A. Repak, Purchasing Agent, (717) 443-4232

## Heating, Ventilation, Air Conditioning—22

**639027-002** Mechanical maintenance service of heat plant and controls located in the Kenneth W. Schuler Learning Resources Center. Contractor shall maintain entire system, including heating, ventilating, air conditioning, emergency lighting and fire systems.

**Department:** Education  
**Location:** Thaddeus Stevens State School of Technology, 750 East King Street, Lancaster, PA 17602  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Betty Tompos, Business Manager, (717) 299-7749

**FM-29** Provide emergency and routine repair work for heating, plumbing, electrical and air-conditioning systems. Contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The Contractor must agree to redeem manufacturer's warranty of parts where applicable and further agrees to guarantee workmanship and replacement parts, provided by their firm for ninety (90) days. Materials and parts are to be charged at cost. Bidding to be done on labor rate per hour for Mechanic and Helper plus travel.

**Department:** State Police  
**Location:** Facility Management Division, Transportation Division and Warehouse Buildings, 20th and Herr Streets, Harrisburg, PA 17103  
**Duration:** 7/1/97 to 6/30/00  
**Contact:** Les Brightbill or Joan Douglass, (717) 783-5484

**FM-30** Provide emergency and routine repair work for heating, plumbing, electrical and air-conditioning systems. Contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The Contractor must agree to redeem manufacturer's warranty of parts where applicable and further agrees to guarantee workmanship and replacement parts, provided by their firm for ninety (90) days. Materials and parts are to be charged at cost. Bidding to be done on labor rate per hour for Mechanic and Helper plus travel.

**Department:** State Police  
**Location:** Facility Management Division, Wyoming Headquarters, Garage and Lab, 475 Wyoming Avenue, Wyoming, PA 18644  
**Duration:** 7/1/97 to 6/30/00  
**Contact:** Les Brightbill or Joan Douglass, (717) 783-5484

**FM-31** Provide emergency and routine repair work for heating, plumbing, electrical and air-conditioning systems. Contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The Contractor must agree to redeem manufacturer's warranty of parts where applicable and further agrees to guarantee workmanship and replacement parts, provided by their firm for ninety (90) days. Materials and parts are to be charged at cost. Bidding to be done on labor rate per hour for Mechanic and Helper plus travel.

**Department:** State Police  
**Location:** Facility Management Division, Washington Headquarters, Garage and Exam, 83 Murtland Avenue, Washington, PA 15301  
**Duration:** 7/1/97 to 6/30/00  
**Contact:** Les Brightbill or Joan Douglass, (717) 783-5484

**FM-32** Provide emergency and routine repair work for heating, plumbing, electrical and air-conditioning systems. Contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The Contractor must agree to redeem manufacturer's warranty of parts where applicable and further agrees to guarantee workmanship and replacement parts, provided by their firm for ninety (90) days. Materials and parts are to be charged at cost. Bidding to be done on labor rate per hour for Mechanic and Helper plus travel.

**Department:** State Police  
**Location:** Facility Management Division, Erie Headquarters and Garage, 4320 Iroquois Avenue, Erie, PA 16505  
**Duration:** 7/1/97 to 6/30/00  
**Contact:** Les Brightbill or Joan Douglass, (717) 783-5484

**FM-33** Provide emergency and routine repair work for the plumbing systems on an as needed basis. Bid awarded on low mechanic, helper and travel rates. Materials to be billed at cost. Contractor to respond within four (4) hours of receiving a call. Replacement parts must be original or equal quality.

**Department:** State Police  
**Location:** Facility Management Division, Montoursville Headquarters, 899 Cherry Street, Montoursville, PA 17754  
**Duration:** 7/1/97 to 6/30/00  
**Contact:** Les Brightbill or Joan Douglass, (717) 783-5484

**FM-34** Provide emergency and routine repair work for the following system(s): Electric on an as needed basis. Contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The Contractor must agree to redeem manufacturer's warranty of parts where applicable and further agrees to guarantee workmanship and replacement parts, provided by his firm for ninety (90) days. Bidding to be done on labor rate per hour for Mechanic and Helper plus travel. Materials and parts to be billed at cost.

**Department:** State Police  
**Location:** Facility Management Division, Philadelphia Headquarters and Exam, 2201 Belmont Avenue, Philadelphia, PA 19131  
**Duration:** 7/1/97 to 6/30/00  
**Contact:** Les Brightbill or Joan Douglass, (717) 783-5484

**FM-35** Provide emergency and routine repair work for the following system(s): Plumbing on an as needed basis. Contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The Contractor must agree to redeem manufacturer's warranty of parts where applicable and further agrees to guarantee workmanship and replacement parts, provided by his firm for ninety (90) days. Bidding to be done on labor rate per hour for Mechanic and Helper plus travel. Materials and parts to be billed at cost.

**Department:** State Police  
**Location:** Facility Management Division, Philadelphia Headquarters and Exam, 2201 Belmont Avenue, Philadelphia, PA 19131  
**Duration:** 7/1/97 to 6/30/00  
**Contact:** Les Brightbill or Joan Douglass, (717) 783-5484

**FM-36** Provide emergency and routine repair work for the following system(s): heating, A/C and electrical on an as needed basis. Contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The Contractor must agree to redeem manufacturer's warranty of parts where applicable and further agrees to guarantee workmanship and replacement parts, provided by his firm for ninety (90) days. Bidding to be done on labor rate per hour for Mechanic and Helper plus travel. Materials and parts to be billed at cost.

**Department:** State Police  
**Location:** Facility Management Division, Erie Regional Lab, 4310 Iroquois Avenue, Erie, PA 16511  
**Duration:** 7/1/97 to 6/30/00  
**Contact:** Les Brightbill or Joan Douglass, (717) 783-5484

**FM-37** Provide emergency and routine repair work for the following system(s): Air conditioning on an as needed basis. Contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The Contractor must agree to redeem manufacturer's warranty of parts where applicable and further agrees to guarantee workmanship and replacement parts, provided by his firm for ninety (90) days. Bidding to be done on labor rate per hour for Mechanic and Helper plus travel. Materials and parts to be billed at cost.

**Department:** State Police  
**Location:** Facility Management Division, Embreeville Station, 1818 West Strasburg Road, Coatesville, PA 19230  
**Duration:** 7/1/97 to 6/30/00  
**Contact:** Les Brightbill or Joan Douglass, (717) 783-5484

**FM-38** Provide emergency and routine repair work for the heating, plumbing, electrical and air-conditioning systems. Contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The Contractor must agree to redeem manufacturer's warranty of parts where applicable and further agrees to guarantee workmanship and replacement parts, provided by his firm for ninety (90) days. Bidding to be done on labor rate per hour for Mechanic and Helper plus travel. Materials and parts to be billed at cost.

**Department:** State Police  
**Location:** Facility Management Division, Academy, 175 East Hershey Park Drive, Hershey, PA 17033  
**Duration:** 7/1/97 to 6/30/00  
**Contact:** Les Brightbill or Joan Douglass, (717) 783-5484

**Project No. 409-FI** Lock Haven University of PA, of the State System of Higher Education (SSHE) is seeking bids for the replacement of interior H.I.D. luminaire lighting fixtures serving the arena space of the Thomas Field House, Project 409-FI. The installation/work is to be performed from August 11 through August 23, 1997. A pre-bid meeting will be held Tuesday, April 22, 1997 (11:00 a.m.) in Price Auditorium. Bids are due and will be opened publicly on Tuesday, May 6th, 1997 at 2:00 p.m. For further information, or to request contract documents at a non-refundable cost of \$35 per set (payable to Comprehensive Design), bidders can contact Paulette Rider of Comprehensive Design, 3054 Enterprise Drive, State College, PA, 16801-2755, telephone (814) 238-7706. Prevailing wages and contract bonds apply. The System encourages responses from small firms, minority firms, women-owned firms, and firms which may have not previously performed work for the System. Non-Discrimination and Equal Opportunity are the policies of the Commonwealth and of the State System of Higher Education.

**Department:** State System of Higher Education  
**Location:** Lock Haven University of PA, Thomas Field House, Lock Haven, PA 17745  
**Duration:** 70 calendar days from date of notice to proceed  
**Contact:** Comprehensive Design, (814) 238-7706

**AE-5041** Replacement of existing compressed air supply lines in the garage. FAX (717) 783-7971.

**Department:** Transportation  
**Location:** PennDOT Maintenance Building, Huntingdon, Huntingdon County, PA  
**Duration:** 120 calendar days; proposed bid May 1997  
**Contact:** Tina Chubb, (717) 787-7001

**AE-5065** Installation of water supply system piping and control modifications. FAX (717) 783-7971.

**Department:** Transportation  
**Location:** Safety Rest Area Site No. 56, Interstate 81 Southbound, Lenox Township, Susquehanna County, PA  
**Duration:** 150 calendar days; proposed bid May 1997  
**Contact:** Tina Chubb, (717) 787-7001

**CL-468** Clarion University invites bids for bathroom and plumbing renovations associated with Nair Hall, an eight story, 100,000 sq. ft. residence hall on the main campus. Contracts will be awarded for plumbing, general, electrical and asbestos removal. Approximately 16 bathrooms are included. Replacement of risers and valving, soil and waste piping and existing water supply piping are included. Pre-bid conference: 10:00 a.m., April 17. Bids due: 1:30 p.m., May 1. Bids open: 1:30 p.m., May 2. Bid package available from contact person—\$25 non-refundable deposit required.

**Department:** State System of Higher Education  
**Location:** Clarion University, Clarion, Clarion County, PA  
**Duration:** Summers of 97 and 98  
**Contact:** Judy McAninch, Contract Manager, (814) 226-2240

**FM-17429602** Contractor will supply all labor, material, equipment, tools and supervision to install two (2) heating and air conditioning units at the Cherry Wood Building No. 33 located on the Harrisburg State Hospital grounds. Complete specifications and drawings can be obtained by contacting the Procurement Office.

**Department:** Public Welfare  
**Location:** Cherry Wood Building No. 33, Harrisburg State Hospital, Harrisburg, PA 17105  
**Duration:** 05/01/97 through 06/30/97  
**Contact:** Ed Blandy, (717) 772-4883

**FM-17429605** Contractor will supply all labor, materials, equipment, tools, and supervision to install dual (2) sump pumps at the lowest point of the tunnel causeway connecting Willow Oak Building to Lanco Lodge at the Harrisburg State Hospital grounds. Complete specifications and drawings can be obtained by contacting the Procurement office.

**Department:** Public Welfare  
**Location:** Willow Oak Building, Harrisburg State Hospital, Harrisburg, PA 17105  
**Duration:** 05/01/97 through 06/30/97  
**Contact:** Ed Blandy, (717) 772-4883

**HVAC-97** Vendor to repair various pieces of H.V.A.C. and A.T.C. equipment as needed on an "on-call" basis. All equipment is located at the Southeastern PA Veterans Center, Spring City, PA.

**Department:** Military and Veterans Affairs  
**Location:** Southeastern PA Veterans Center, Spring City, Chester County, PA 19475  
**Duration:** July 1, 1997—June 30, 2000  
**Contact:** Theresa Barthel, Purchasing Agent, (610) 948-2493

**MI-698** Project title: Burrowes Hall—Shower Renovations. Scope of work: renovate the "gang" showers and install individual shower stalls, reconfigure shower lines to add additional shower head, slope floor, and install new drain and tie into existing drain line. Plans cost: \$50.00.

**Department:** State System of Higher Education  
**Location:** Burrowes Hall, Millersville University, Millersville, Lancaster County, PA 17551-0302  
**Duration:** June 16, 1997—August 1, 1997  
**Contact:** Bernadette J. Wendler, Dilworth Building, (717) 872-3829

**MI-686** Project title: Burrowes Hall—AC. Scope of work: install air conditioning in residence rooms, ten floors with 18 rooms per floor. Base bid alternates chilled water system with valance convectors and package terminal units installed in wall openings. Plans cost: \$100.00.

**Department:** State System of Higher Education  
**Location:** Burrowes Hall, Millersville University, Millersville, Lancaster County, PA 17551-0302  
**Duration:** August 15, 1997  
**Contact:** Bernadette J. Wendler, Dilworth Building, (717) 872-3829

**MR 0800-66** Plumbing service work required at Rest Area Sites 47 and 48 located along I-81 North and Southbound, East Hanover Township, Dauphin County. Specifications for this work available on request.

**Department:** Transportation  
**Location:** Rest Area Sites 47 and 48, I-81 North and Southbound, East Hanover Township, Dauphin County, PA  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Ed Myers, (717) 787-7600

## Janitorial Services—23

**PDA 393** Provide daily janitorial service at the State Veterinary Laboratory located at 2305 North Cameron Street, Harrisburg, PA 17110.

**Department:** Agriculture  
**Location:** Harrisburg, PA  
**Duration:** 1 year with two (2) one (1) year options  
**Contact:** Lewis Newpher, (717) 787-8808

**PDA 394** Provide janitorial service at the Region VI Office located in Summerdale, PA.

**Department:** Agriculture  
**Location:** Summerdale, PA  
**Duration:** 1 year with two (2) one (1) year options  
**Contact:** Carolyn Rutter, (717) 787-3400

**SP 336853** Perform janitorial services in the DCNR Building, located on the Sizerville Road in Emporium, PA. Sealed bids will be received in the State Park Region 1 Office, R. R. 4, Box 212, Emporium, PA 15834-9799, until 2:00 p.m. April 28, 1997 and then to be publicly opened and read. Bid documents may be obtained from the State Park Region 1 Office.

**Department:** Conservation and Natural Resources  
**Location:** State Park Region 1 Office, Sizerville Road, Emporium, Cameron County, PA 15834-9799  
**Duration:** July 1, 1997 to June 30, 2000  
**Contact:** Jane Weese, Administrative Officer, (814) 486-3365

**SP-344719** Contractor to provide janitorial services for the Center, Girard, Jefferson, Kent and Nursing Home District Offices of the Philadelphia County Assistance Office. Vendor will furnish all tools, equipment, supplies and labor to perform the duties necessary for complete janitorial service. Office cleaning hours will be 5:00 p.m. to 9:00 p.m. Monday through Friday. Complete specifications can be obtained by contacting the Procurement Office.

**Department:** Public Welfare  
**Location:** Philadelphia County Assistance Office, Various District Offices, Philadelphia, PA  
**Duration:** 07/01/97 to 06/30/2000 with two (2) one (1) year renewals  
**Contact:** Linda Reynolds, (717) 783-9699

## Laundry/Dry Cleaning and Linen/Uniform Rental—25

**APR No. 4** Vendor to furnish laundering, dry cleaning, pressing, repairs and alterations for Capitol Police uniforms at the Capitol Complex in Harrisburg, PA. Contract is effective from July 1, 1997 through June 30, 1998. Approximate number of uniforms to be serviced is: dry clean and press uniform trousers—8,000 pair; dry clean all-season jackets—200 each; launder and press long and short sleeve shirts, sharp creases in all sleeves—10,000 each; dry clean windbreaker jackets—50 each; dry clean neckties—100 each; sew on buttons, sew on emblems and rank chevrons, mend tears and rips, sew broken belt loops, etc. Quantities cited above are estimates only and payment will be made only for actual services performed. Vendor agrees to pick up and deliver all cleaning to the first floor of the Capitol Police offices in the Capitol Addition Building all items covered by this contract twice a week on a schedule convenient to both the vendor and customer. Invoicing will be made monthly.

**Department:** General Services  
**Location:** Police and Safety, Suite 70E, First Floor, Capitol Addition, Harrisburg, Dauphin County, PA 17125  
**Duration:** July 1, 1997 through June 30, 1998  
**Contact:** Charles Klein, (717) 787-9635

## Lodging/Meeting Facilities—27

**10-97-06** Facility needed within a five (5) mile radius of the Pennsylvania State Police Southwest Training Center, 2900 Seminary Drive, Greensburg, PA to provide buffet meals and lodging rooms. Services will be required for personnel attending the Southwest Training Center periodically throughout a 3-year contract term. Detailed bid specifications must be obtained from the Procurement and Supply Division, (717) 783-5485.

**Department:** State Police  
**Location:** Within a five (5) mile radius of State Police SWTC, 2900 Seminary Drive, Greensburg, PA  
**Duration:** 7-1-97 through 6-30-00  
**Contact:** Margaret Chapman, P&S Division, (717) 783-5485



**Medical Services—29**

**OS-003** The Hiram G. Andrews Center is soliciting bids for the services of an oral surgeon. The oral surgeon will provide various oral surgery procedures to patients of the facility at the oral surgeon's office. Services to be limited to practitioners within the Cambria/Somerset county areas. This will not be a contract of employment.

**Department:** Labor and Industry  
**Location:** Hiram G. Andrews Center, 727 Goucher Street, Johnstown, Cambria County, PA 15905  
**Duration:** 7/1/97 to 6/30/2000 with a 2-year renewal option  
**Contact:** R. D. Robinson, Purchasing Agent II, (814) 255-8210

**PHYS-97** The Southeastern PA Veterans Center wishes to contract for "on-site" and "on-call" physician services.

**Department:** Military and Veteran Affairs  
**Location:** Southeastern PA Veterans Center, Spring City, Chester County, PA 19475  
**Duration:** July 1, 1997—June 30, 1998  
**Contact:** Theresa Barthel, Purchasing Agent, (610) 948-2493

**Moving Services—30**

**SP317815** Contractor to move printing, mailing and warehousing operations from 2850 Turnpike Industrial Park in Middletown, PA to 711 Gibson Street in Harrisburg, PA and move the warehousing operations located there to the Middletown location. Contractor will be responsible for subcontracting with manufacturer's authorized representative for tear down and set up of all printing and mailing equipment. Contact names and phone numbers of authorized representatives will be provided by the Department of Revenue. Move is currently scheduled to take place July 10th through the 14th, 1997.

**Department:** Revenue  
**Location:** 2850 Turnpike Industrial Park, Middletown, PA; 711 Gibson Boulevard, Harrisburg, PA  
**Duration:** July 10, 1997 through July 14, 1997  
**Contact:** Emil McBride, (717) 783-9639

**Personnel—31**

**SUBINST-005** The Hiram G. Andrews Center will be soliciting bids for a contractor to provide substitute/temporary instructional services covering a variety of business education and trade area instructors. Services will be required on an as-needed basis, Monday through Friday, between the hours of 8:00 a.m. to 4:30 p.m. each month of the year. This is not a contract of employment.

**Department:** Labor and Industry  
**Location:** Hiram G. Andrews Center, 727 Goucher Street, Johnstown, PA 15905  
**Duration:** 7/1/97 to 6/30/2000 with renewal option not to exceed 1 year  
**Contact:** R. D. Robinson, Purchasing Agent II, (814) 255-8210

**Property Maintenance—33**

**03070321001** Lawn care and snow removal. 1. Approximately 20 cuttings of grass; including removal of tree/brush, limbs, branches and other debris as well as weed whacking and trimming per cutting. Response time within 24 hours for service (per/year). 2. Approximately 10 snow removals of 3" + per year as needed. Response time within 3 hours or sooner for removal after notice. Contact persons: Stephen S. Miller Admin. (215) 646-1595 or (215) 343-0965; LaVerne Pokorski, Supervisor (215) 646-1595; Carl Klaus, Graeme Park (215) 343-0965.

**Department:** Historical and Museum Commission  
**Location:** Graeme Park, 859 County Line Road, Horsham, Montgomery County, PA 19044  
**Duration:** Contract for 3 years: 7/1/97 through 6/30/2000  
**Contact:** Stephen S. Miller, Site Admin., (215) 646-1595 or (215) 343-0965

**03070319007** Grass mowing and trimming at the 26-acre Conrad Weiser Homestead, a State historic site, located at Womelsdorf, Berks County.

**Department:** Historical and Museum Commission  
**Location:** Conrad Weiser Homestead, 28 Weiser Road, Womelsdorf, PA 19567-9718  
**Duration:** July 1, 1997—June 30, 1998  
**Contact:** James A. Lewars, (610) 582-4900

**090-000219** Herbicide spraying: provide professional herbicide application for the period September 1997 through June 1999 (22 months). Estimated total hours: 500 (yearly estimate 250 hours). Must provide applicator and licensing record form, pesticide application business license, and vehicle registration of spray truck with bid.

**Department:** Transportation  
**Location:** Maintenance District 9-5 (Huntingdon County), throughout Huntingdon County (as directed).  
**Duration:** 09/01/97—06/30/99  
**Contact:** Joe Demko, 9-0 Roadside Specialist, (814) 940-5151

**639027-004** Thaddeus Stevens State School of Technology will be accepting Invitations For Bid for groundskeeping services for the period beginning July 1, 1997 and ending June 30, 1998. Successful contractor will provide mowing, weed control, pruning, fertilizing, and aerification services to the school. Approximately 32 acres of grounds will be covered.

**Department:** Education  
**Location:** Thaddeus Stevens State School of Technology, 750 East King Street, Lancaster, PA 17602  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Betty Tompos, Business Manager, (717) 299-7749

**AE-2849** Window replacement in basement area of the District Office Building. FAX (717) 783-7971.

**Department:** Transportation  
**Location:** PennDOT District 4 Office, Dunmore, Lackawanna County, PA  
**Duration:** 150 calendar days; proposed bid May 1997  
**Contact:** Tina Chubb, (717) 787-7001

**AE-5057** Remove approximately 1800 sq. ft. of asbestos containing floor tile and floor tile mastic. Replace with non-asbestos containing floor tile. FAX (717) 783-7971.

**Department:** Transportation  
**Location:** PennDOT Maintenance Building, Maintenance District 2-2, Hyde, Clearfield County, PA  
**Duration:** 45 calendar days; proposed bid May 1997  
**Contact:** Tina Chubb, (717) 787-7001

**FM-17429601** Contractor will supply all labor, tools, equipment, building materials and appurtenances to furnish and install new concrete sidewalks and repair loading dock at the Cherry Wood Building No. 33 on the Harrisburg State Hospital grounds. Complete specifications and drawings can be obtained by contacting the Procurement Office.

**Department:** Public Welfare  
**Location:** Cherry Wood Building No. 33, Harrisburg State Hospital, Harrisburg, PA 17105  
**Duration:** 05/01/97 through 06/30/97  
**Contact:** Ed Blandy, (717) 772-4883

**M-356** Contractor will provide services and materials to repair Emergency Power System (E.P.S.) of Institution exit signs and specific lights in the event of a power interruption. Major system components are manufactured by Chloride Systems, Burgaw, N. C.

**Department:** Corrections  
**Location:** State Correctional Institution at Mahanoy, 301 Morea Road, Frackville, PA 17932  
**Duration:** January 1, 1998 to June 30, 2000  
**Contact:** Robert Kuchta, (717) 773-2158

**Sanitation—36**

**SP 274328** Sealed bids will be received at the Moraine State Park Office, 225 Pleasant Valley Road, Portersville, PA 16051-9650, and then publicly opened and read. A bid opening date has not yet been set. For rental of portable toilets. A bid proposal containing all pertinent information must be obtained from the office of the Park Manager.

**Department:** Conservation and Natural Resources  
**Location:** Moraine State Park, 225 Pleasant Valley Road, Portersville, PA 16051-9650  
**Duration:** July 1, 1997 to June 30, 2000  
**Contact:** Moraine State Park, (412) 368-8811

**Project No. 96-28** "Cultural Diversity Training" PennDOT seeks a consultant to train its employees how to manage a diverse work group and maintain a work environment free of discrimination and harassment. To learn more about the training or obtain the detailed requirements of the Request for Proposal, FAX your request to (717) 783-7971, Attention: Tina Chubb.

**Department:** Transportation  
**Location:** Bureau of Office Services, 8th Floor, 555 Walnut Street, Harrisburg, PA 17101-1900  
**Duration:** 1 year with option to renew  
**Contact:** Steven A. Davis, (717) 787-1368

**3509** Correctional Industries at Graterford Correctional Institution will be seeking vendors to supply various types, sizes, and amounts of yarns for use in hosiery, knitting, and weaving applications. Included shall be: acrylics, nylon filaments, mercerized combed peeler 100% cotton, 100% cotton, and 50/50 polyester/cotton yarns. All amounts are estimates and may vary according to actual needs. Contracts to be awarded throughout the fiscal year: July 1, 1997 through June 30, 1998.

**Department:** Corrections  
**Location:** Correctional Industries, P. O. Box 246 (off Route 29), Graterford, PA 19426  
**Duration:** July 1, 1997 through June 30, 1998  
**Contact:** G. L. Arasin, Manager I, (610) 489-4151, ext. 2310

**639027-003** Thaddeus Stevens State School of Technology will be accepting bids for the reconditioning of its football equipment. Invitations for Bid may be obtained by contacting Ms. Betty Tompos, Business Manager (717) 299-7749.

**Department:** Education  
**Location:** Thaddeus Stevens State School of Technology, 750 East King Street, Lancaster, PA 17602  
**Duration:** May 1, 1997 to June 30, 1998  
**Contact:** Betty Tompos, Business Manager, (717) 299-7749

[Pa.B. Doc. No. 97-538. Filed for public inspection April 4, 1997, 9:00 a.m.]

**Vehicle, Heavy Equipment and Powered Machinery Services—38**

**MAI-2886** Contractor shall provide service and maintenance of the Southern Steel locking and surveillance system.

**Department:** Corrections  
**Location:** State Correctional Institution at Albion, 10745 Route 18, Albion, PA 16475-0001  
**Duration:** November 1, 1997 through June 30, 2000  
**Contact:** Lesley S. Hill, Purchasing Agent II, (814) 756-5778

**Miscellaneous—39**

**10-97-05** Provide access to credit information services from computerized public and individual files for credit report data, employment information, fraud detection services, social security number inquiry service and individual detection services. Access must include the United States, Canada and U. S. possessions.

**Department:** State Police  
**Location:** Department Headquarters, Harrisburg, PA  
**Duration:** 7-1-97 through 6-30-00  
**Contact:** Margaret Chapman, P&S Division, (717) 783-5485

**10-97-07** Perform scheduled and unscheduled veterinary services "as-needed" for thirty (30) horses and provide miscellaneous medications and supplies. Detailed bid specifications must be obtained from the Procurement and Supply Division at (717) 783-5485.

**Department:** State Police  
**Location:** State Police Academy, Hershey, PA  
**Duration:** 7-1-97 through 6-30-99  
**Contact:** Margaret Chapman, P&S Division, (717) 783-5485

**10-97-08** Perform farrier services for horses "as-needed" and necessary emergency calls. Detailed bid specifications must be obtained from the Procurement and Supply Division at (717) 783-5485.

**Department:** State Police  
**Location:** State Police Academy, Hershey, PA  
**Duration:** 7-1-97 through 6-30-99  
**Contact:** Margaret Chapman, P&S Division, (717) 783-5485

## DESCRIPTION OF LEGEND

- |  |   |
|--|---|
| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,  
*Secretary*

**Contract Awards**

The following awards have been made by the Department of General Services, Bureau of Purchases:

<b>Requisition or Contract #</b>	<b>Awarded On</b>	<b>To</b>	<b>In the Amount Of</b>	<b>Requisition or Contract #</b>	<b>Awarded On</b>	<b>To</b>	<b>In the Amount Of</b>
1201116-01	03/20/97	Conestoga Building Supply	28,128.00	2107155-01	03/24/97	National Computer Systems	5,029.75
1425216-01	03/20/97	Glass Mender Mirror Plate	12,996.00	5610-36	03/20/97	Milestone Materials, Inc./Montoursville	401,775.00
1433116-01	03/20/97	Knight Security Systems	9,156.00	5610-36	03/20/97	Milestone Materials, Inc./Bloomsburg	1,335,910.00
1472236-01	03/20/97	SWS Garment, Inc.	66,176.90	5610-36	03/20/97	Milestone Materials, Inc./Glen Mills	135,000.00
1489136-01	03/20/97	Pacifico Ford, Inc.	25,976.00	5610-36	03/20/97	Milestone Materials, Inc./Stroudsburg	135,000.00
1518206-01	03/20/97	Herb Motor, Inc.	36,430.00	5610-36	03/20/97	Pennsy Supply, Inc.	135,000.00
1530146-01	03/20/97	Tactical Technologies, Inc.	12,252.60	5610-36	03/20/97	Milestown Materials, Inc./Lake Ariel	135,000.00
1570236-01	03/20/97	Elbeco, Inc.	43,554.60	5610-36	03/20/97	Milestone Materials, Inc./t/d/b/a HRI, Inc./State College	135,000.00
1574386-01	03/20/97	Griffin Motor Co.	67,263.00	5610-36	03/20/97	P & W Excavating, Inc.	135,000.00
1601046-01	03/24/97	Spiral Biotech, Inc.	30,900.00	5610-36	03/20/97	New Enterprise Stone and Lime Co., Inc.	135,000.00
1617186-01	03/24/97	Telesensory, Inc.	3,065.00	5610-36	03/20/97	Leslie L. Whitaker & Son	135,000.00
1627156-01	03/24/97	Phillips Brothers, Inc.	24,300.00	5610-36	03/20/97	Miller Quarries/Div. Miller & Sons Paving, Inc.	135,000.00
1641116-01	03/20/97	York Handling Technologies, Inc.	13,060.00	5610-36	03/20/97	Lindy Paving, Inc.	135,000.00
1642206-01	03/20/97	3M Co.—TCM Division	17,508.00	5610-36	03/20/97	Locust Ridge Quarry	135,000.00
1644146-01	03/20/97	Griffin Motors Co.	31,528.00	5610-36	03/20/97	Pottstown Trap Rock Quarries	135,000.00
1646146-01	03/20/97	Winner Group, Inc.	18,561.00	5610-36	03/20/97	Lehigh Asphalt Paving and Construction	135,000.00
1664226-01	03/20/97	OMC Fishing Boat Group, Inc.	25,025.00	5610-36	03/20/97	McMinns Asphalt Co., Inc.	135,000.00
1672116-01	03/20/97	Amity Fence Co.	18,200.00	5610-36	03/20/97	M & M Stone Co.	135,000.00
1694386-01	03/20/97	Ermco Corporation	76,200.00	5610-36	03/20/97	Meckley's Limestone Prod., Inc.	181,947.50
1773156-01	03/20/97	Noritsu America Corporation	75,580.30				
1774156-01	03/20/97	Noritsu America Corporation	102,833.50				
1778206-01	03/20/97	Fisher Scientific Company	14,947.06				

## STATE CONTRACTS INFORMATION

Requisition or Contract #	Awarded On	To	In the Amount Of	Requisition or Contract #	Awarded On	To	In the Amount Of
5610-36	03/20/97	Marsh As- phalt, Inc.	135,000.00	5610-36	03/20/97	Russell Indus- tries, Inc.	135,000.00
5610-36	03/20/97	McDermitt, Inc.	135,000.00	5610-36	03/20/97	Keystone Lime Co., Inc.	135,000.00
5610-36	03/20/97	Mayer Bros. Construction Co.	135,000.00	5610-36	03/20/97	Clariton Slag, Inc.	135,000.00
5610-36	03/20/97	Union Quar- ries, Inc.	135,000.00	5610-36	03/20/97	Commercial Asphalt Products	135,000.00
5610-36	03/20/97	West Penn As- phalt Co., Inc.	135,000.00	5610-36	03/20/97	Calvin C. Cole, Inc.	135,000.00
5610-36	03/20/97	Wiest Asphalt Products	135,000.00	5610-36	03/20/97	Campbells As- phalt Prod- ucts, Inc.	135,000.00
5610-36	03/20/97	Wayco, Inc.	135,000.00	5610-36	03/20/97	Burkholder Paving/Div. Martin Limestone, Inc.	135,000.00
5610-36	03/20/97	Vestal Asphalt, Inc.	135,000.00	5610-36	03/20/97	Derry Con- struction Co., Inc.	135,000.00
5610-36	03/20/97	York Building Prod. Co., Inc.	135,000.00	5610-36	03/20/97	Commercial Asphalt Supply, Inc.	135,000.00
5610-36	03/20/97	Wilson Paving	135,000.00	5610-36	03/20/97	Dalrymple Gravel and Contracting Co., Inc.	135,000.00
5610-36	03/20/97	Valley Quar- ries, Inc.	135,000.00	5610-36	03/20/97	Coolsprings Stone Sup- ply, Inc.	135,000.00
5610-36	03/20/97	Windsor Ser- vice, Inc.	135,000.00	5610-36	03/20/97	Allegheny As- phalt and Paving, Inc.	135,000.00
5610-36	03/20/97	Wyoming Sand and Stone Co.	135,000.00	5610-36	03/20/97	Buffalo Crushed Stone, Inc.	135,000.00
5610-36	03/20/97	Wine Con- struction Co.	135,000.00	5610-36	03/20/97	American As- phalt Paving Co.	135,000.00
5610-36	03/20/97	Russell Stan- dard Corp./ Irwin	135,000.00	5610-36	03/20/97	B & L Asphalt Industries	135,000.00
5610-36	03/20/97	Sheridan Corp.	135,000.00	5610-36	03/20/97	Dunbar As- phalt Prod- ucts, Inc.	135,000.00
5610-36	03/20/97	Silver Hill Quarry, Div. of Haines & Kibblehouse, Inc.	135,000.00	5610-36	03/20/97	A.B.E. Materials- Easton/Div. Haines & Kibblehouse, Inc.	135,000.00
5610-36	03/20/97	Quaker Sales Corp.	135,000.00	5610-36	03/20/97	Blades Con- struction Products	135,000.00
5610-36	03/20/97	Riverside Ma- terials, Inc.	135,000.00	5610-36	03/20/97	Bituminous Paving Mat. of York, Inc.	135,000.00
5610-36	03/20/97	Trumbull Corp.	135,000.00				
5610-36	03/20/97	State Aggre- gates, Inc.	345,187.00				
5610-36	03/20/97	Latrobe Con- struction Co.	135,000.00				
5610-36	03/20/97	Stillwater As- phalt, Inc.	135,000.00				
5610-36	03/20/97	TDPS Materi- als	135,000.00				
5610-36	03/20/97	T.P.C. Asphalt Supplies	135,000.00				

## STATE CONTRACTS INFORMATION

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Requisition or Contract #	Awarded On	To	In the Amount Of	Requisition or Contract #	Awarded On	To	In the Amount Of
5610-36	03/20/97	Barletta Materials and Construction, Inc.	135,000.00	5610-36	03/20/97	Glenn O. Hawbaker, Inc.	196,540.00
5610-36	03/20/97	Better Materials Corp.	135,000.00	5610-36	03/20/97	Golden Eagle Construction Co.	135,000.00
5610-36	03/20/97	Bechtelsville Asphalt/Div. of Haines & Kibblehouse, Inc.	135,000.00	5610-36	03/20/97	Glasgow, Inc.	135,000.00
5610-36	03/20/97	Highway Materials, Inc.	135,000.00	5610-36	03/20/97	Great Valley Materials, Inc.	135,000.00
5610-36	03/20/97	Hempt Brothers, Inc.	135,000.00	5610-36	03/20/97	Foster Grading Co.	135,000.00
5610-36	03/20/97	Kendi Enterprises, Inc.	135,000.00	5850-03	04/01/97	Q-Matic Corporation	250,000.00
5610-36	03/20/97	Heilman Pavement Specialties	135,000.00	6505-11	03/20/97	Dixon-Shane Wholesale Drugs	1,628,405.77
5610-36	03/20/97	Handwerk Materials/Div. Haines & Kibblehouse, Inc.	135,000.00	7313630-01	03/20/97	IBM Corporation	82,975.00
5610-36	03/20/97	H & K Materials, Inc.	135,000.00	8231650-01	03/20/97	Francis Ford Fords, Inc.	35,947.00
5610-36	03/20/97	Kaminski Brothers, Inc.	135,000.00	8231740-01	03/20/97	Mack Sales and Service, Inc.	142,461.00
5610-36	03/20/97	IA Construction Corporation	1,454,417.35	8503600-01	03/20/97	Standard Register Co.	11,653.95
5610-36	03/20/97	Joseph McCormick Const. Co., Inc.	135,000.00	8503620-01	03/20/97	Gehmans Ornamental Iron	12,561.00
5610-36	03/20/97	Jay Fulkroad & Sons, Inc.	135,000.00	8503640-01	03/20/97	Wong Ltd.	24,137.50
5610-36	03/20/97	Eureka Stone Quarry, Inc.	135,000.00	8503660-01	03/20/97	A. C. Miller Concrete Prod., Inc.	21,805.00
5610-36	03/20/97	Grannas Bros. Stone and Asphalt Co.	135,000.00	9330-01	04/01/97	Commercial Plastics and Supply Corp.	134,942.06
5610-36	03/20/97	Eastern Industries, Inc.	135,000.00	9550-10	03/26/97	US Municipal Supply, Inc.	431,305.63
5610-36	03/20/97	Evans Asphalt Co., Inc.	135,000.00	9550-10	03/26/97	Garden State Highway Products Z	15,850.30
5610-36	03/20/97	EJB Paving and Materials Co.	135,000.00	9550-10	03/26/97	Baillie Fabricating and Welding	41,340.00
5610-36	03/20/97	Eastern Industries, Inc.-West	179,724.05	9550-10	03/26/97	Sigma Industries, Inc.	59,794.75

GARY E. CROWELL,  
Secretary

[Pa.B. Doc. No. 97-539. Filed for public inspection April 4, 1997, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 34—LABOR AND INDUSTRY

DEPARTMENT OF LABOR AND INDUSTRY  
[34 PA. CODE CH. 122]

### General Provisions of Act 57 of 1996

The Department of Labor and Industry (Department), Bureau of Workers' Compensation (Bureau), issues a statement of policy at Chapter 122 (relating to general provisions of Act 57 of 1996) to read as set forth in Annex A, to provide guidance regarding the Department's interpretation of the act of June 24, 1996 (P. L. 350, No. 57) (Act 57), which amended the Workers' Compensation Act (WC act) (77 P. S. §§ 1—2626).

#### *Statutory Authority*

This statement of policy is issued under the authority provided in section 435 of the WC act (77 P. S. § 991), which authorizes the Department's adoption of regulations which are reasonably calculated to explain and enforce the provisions of the WC act. Section 435 of the WC act charges the Department with promulgating rules and regulations which are reasonably calculated to expedite the reporting and processing of injury cases; insure full payment of compensation when due; expedite the hearing and determination of claims for compensation; and provide notice to disabled employees of their rights under the WC act. In addition, the following provisions of Act 57 specifically charge the Department with establishing regulations for their implementation: sections 204(d), 306 (f.2)(7) and 422(e) (77 P. S. §§ 71, 511.2(f.2)(7) and 835(e)).

#### *Background*

On June 24, 1996, Governor Tom Ridge signed into law Act 57, which substantially amended the WC act. Although the amendments provide for many changes, all the amendments are intended to address the rising costs of workers' compensation in this Commonwealth while preserving the rights of employees to be adequately compensated for their work-related injuries. Among the amendments are provisions which allow an executive officer of a nonprofit corporation to elect not to be an employee for purposes of workers' compensation coverage, and provisions which allow the offset of workers' compensation benefits from certain amounts received from severance, Social Security (old age) and pension benefits. The amendments also call for the abrogation of the reconsideration stage of the Utilization Review (UR) process and the placement of time limitations on health care providers wishing to file applications for Medical Fee Review. The amendments also require that an employee's earning power be determined by expert opinion, and that the Department establish the qualifications of vocational experts who will interview employees in order to assess their earning power. Further, Act 57 provides for an impairment rating evaluation after the receipt of 104 weeks of total disability compensation. If the impairment rating is less than 50%, the employee's benefit status shifts from total to partial disability with benefits capped at 500 weeks. In addition, Act 57 establishes an automatic request for supersedeas when a petition alleging an employee's full recovery is filed accompanied by a physician's affidavit to that effect. Act 57 added two sections to

the WC act which address situations in which employees who have returned to work are receiving both wages and workers' compensation benefits. These sections call for the suspension or modification of benefits after notice and an affidavit are submitted which allege that the employee has returned to work. Act 57 also places new reporting requirements on employees who file for (or are receiving) compensation under section 306(a) or (b) of the WC act. Employees are required to regularly report amounts received from Social Security (old age), unemployment compensation, severance and pension benefits. Additionally, employees are required to report information regarding employment and self-employment, as well as any other information which is relevant in determining the entitlement to or amount of compensation. Further, insurers are permitted to submit forms to employees verifying that the employees' status regarding their entitlement to receive workers' compensation benefits has not changed. Act 57 also created an informal conference procedure to expedite the workers' compensation adjudication process, and permits employers and employees to enter into Compromise and Release Agreements which may extinguish the employer's liability for a work-related injury. Act 57 also transferred the authority for certification of Coordinated Care Organizations (CCO) from the Department of Health to the Department. Act 57 permits an employer and the recognized or certified exclusive representatives of its employees to collectively bargain over specified issues relating to workers' compensation in order to facilitate the resolution of claims. In an effort to promote workplace safety and reduce employee injuries and employer costs, Act 57 granted a 5% premium discount to employers with Department-certified safety committees for a maximum period of 5 years.

The Department published a notice at 26 Pa.B. 3979 (August 17, 1996) which invited parties interested in participating in the formulation of the statement of policy and the proposed rulemaking process to submit written comments to Richard A. Himler, Director, Bureau of Workers' Compensation. In addition to the notice, the Department prepared and published forms required by Act 57. These forms are available from the Bureau upon written request.

Since the passage of Act 57 and the publication of the Department's notice, the Department has received various written and verbal comments regarding how Act 57 should be interpreted. Additionally, consistent with the Governor's policy, as set forth in Executive Order 1996-1, the Department has consulted with various stakeholders affected by the passage and implementation of Act 57. Among those participating in the stakeholders' meetings were members of the Pennsylvania Bar Association's Workers' Compensation Section; the Insurance Federation of Pennsylvania, Inc.; the American Insurance Federation; the Pennsylvania Chamber of Business and Industry; the Hospital Association; the Pennsylvania Medical Society; the Executive Director of the Democratic House Labor Relations Committee; the Pennsylvania Retailers' Association; the Small Manufacturing Council; the Pennsylvania Physical Therapy Association; The pt Group; the Pennsylvania Association of Rehabilitation Facilities; the Restaurant Association; the Pennsylvania Trial Lawyers Association; the Pennsylvania Compensation Rating Bureau; the Pennsylvania Chiropractic Society; the Pennsylvania Manufacturing Association; the Pennsylvania Orthopaedic Society; the Pennsylvania League of Cities and Municipi-

palities; the Occupational Health and Safety Nurses of Pennsylvania; Rehabilitation Services/LRC Inc.; the Pennsylvania Business Roundtable; the Manufacturing Association of North Western Pennsylvania; the Pennsylvania Motor Trucking Association; the Coal Mine Compensation Rating Bureau of Pennsylvania; the Montgomery County Bar Association Workers' Compensation Section; the General Contractors Association of Pennsylvania; the Pennsylvania State Building and Construction Trades Council, Lehigh County Carpenters Union; the State Workers' Insurance Fund; the Pennsylvania Conference of Teamsters; the House Majority Leader's Advisory Committee on Workers' Compensation Reform; and the National Association of Rehabilitation Professionals in the Private Sector. In addition to the stakeholders, the Department considered the comments and suggestions made by members of the Pension and Independent Medical Examination (IME) Task Forces, as well as the section 450 Subcommittee to the Governor's Committee on Labor-Management Partnerships, organized to lend interpretive guidance on the implementation of sections 204, 306(a.2) and 450 of the WC act respectively. All verbal and written comments submitted by the above-mentioned stakeholders and other interested parties were reviewed and considered. All parties have expressed an interest in the expeditious promulgation of regulations to provide definitive interpretations and guidance.

This statement of policy is issued so that all parties will have a clear understanding of their rights and obligations under Act 57. It is also issued in the spirit of implementing the provisions of Act 57 in the manner and form in which it was intended—achieving the greatest cost savings in amounts paid in workers' compensation premiums, benefit payments and litigation costs, while preserving the rights of employees to be adequately compensated for their work-related injuries.

In September 1996, under section 30(1) of Act 57, the Insurance Commissioner appointed Milliman and Robertson, Inc. as the independent actuary responsible for providing an estimate of the total cost savings resulting from the enactment and implementation of Act 57 and the act of July 2, 1993 (P. L. 190, No 44) (Act 44). The independent actuary projected that workers' compensation rates would be reduced by 25.4%. On January 16, 1997, the Insurance Commissioner approved a 25% rate reduction which is projected to result in a savings of \$470 million. The 25% rate reduction is an average of the loss-cost changes affecting more than 300 employer classifications.

In addition to the rate decrease, employers can achieve additional savings in workers' compensation costs by demonstrating strong safety records and through a cooperative effort with labor in creating workplace safety committees. The Governor has established a Statewide initiative known as PENNSAFE in order to foster the creation of safety committees, encourage safety inspections and accident investigations, and increase awareness of safety hazards. For further information on PENNSAFE call 1-888-SAFE-422.

#### *Force and Effect*

This statement of policy provides guidance to Bureau staff, workers' compensation insurance carriers, self-insured employers, employees, workers' compensation practitioners and other interested parties with respect to the implementation and interpretation of the provisions of Act 57. This statement of policy does not constitute a rule or regulation with the force and effect of law, rather

it is temporary in nature. The Department intends to promulgate regulations for this purpose as soon as practical.

#### *Effective Date*

This statement of policy will be effective immediately upon publication.

#### *Further Information*

Further information regarding this statement of policy may be obtained by writing to Richard A. Himler, Director, Bureau of Workers' Compensation, P. O. Box 3466, Harrisburg, PA 17105, telephone (717) 783-5421. This statement of policy will also be available on the Department's home page at WWW.LI.State.PA.US. In addition, parties wishing to comment on this statement of policy should do so by writing to Richard A. Himler, Director, at the address listed above. The Department will consider all written comments received by May 6, 1997, in promulgating the Act 57 proposed regulations.

#### *Section 104 Corporate Officer Exemption*

Prior to Act 57, section 104 of the WC (77 P.S. § 22) act permitted executive officers of Subchapter S and C Corporations to elect not to be employees of the corporation for purposes of workers' compensation coverage. Section 104 was amended by Act 57 to permit executive officers of nonprofit corporations to elect not to be employees of the corporation for purposes of securing workers' compensation coverage. Executive officers of nonprofit corporations are only entitled to make this election if they serve voluntarily and without remuneration.

Executive officer elections shall be filed directly with the insurer providing workers' compensation coverage. If the corporation does not have an insurance carrier, the executive officer election shall be filed with the Department.

#### *Section 204 Offsets*

Prior to Act 57, section 204 of the WC act provided for the offset of workers' compensation benefits by amounts received in unemployment compensation. Act 57 amended section 204 of the WC by providing additional offsets for Social Security (old age), severance and pension benefits. While the offset for unemployment compensation benefits applies to all work-related injuries, the offset for Social Security (old age), severance and pension benefits applies only to claims for injuries which are suffered on or after June 24, 1996.

Section 204 of the WC act requires employees to report the receipt of unemployment compensation, Social Security (old age), severance and pension benefits received subsequent to the date of injury. Section 204(c) of the WC act requires employees to regularly report the receipt of these benefits. The report shall be made on form LIBC-756A, "Employee's Report of Benefits (Unemployment Compensation, Social Security (old age), Severance and Pension Benefits) for Offsets." The term "regularly" has been interpreted by the Department to mean within 30 days of any change in the receipt of the benefits mentioned in this paragraph, but in any event no less than every 6 months. Additionally, employees may be subject to the fraud provisions of Article XI of the WC act for failure to regularly report receipt of the benefits mentioned in this paragraph.

The offset shall apply only to wage-loss benefits (as opposed to medical benefits, specific loss or survivor benefits). Wage-loss benefits shall be offset by the net amount received by the employee. The net amount is the



amount of any Social Security (old age), pension or severance benefits received by the employee after deductions for local, State and Federal taxes and amounts deducted under the Federal Insurance Contributions Act (FICA) (26 U.S.C.A. §§ 3101—3126).

a. *Application of Offsets in General:*

After receipt of a completed form under this section, an insurer may calculate and achieve the offset of benefits received by the employee from any of the sources enumerated in section 204 of the WC act. If the insurer receives information that the employee is receiving or has already received unemployment compensation, Social Security (old age), severance or pension benefits prior to receiving form LIBC-756A, the insurer shall be entitled to a credit towards future payments of workers' compensation benefits for amounts already received by the employee. The net amount received by the employee prior to notification to the insurer shall be divided by the weekly workers' compensation rate. The result shall be the number of weeks, and fraction thereof, the insurer is entitled to credit towards future payments of workers' compensation benefits.

The insurer shall notify the employee and the employee's counsel, if known, on a form designated by the Department, that the workers' compensation benefits will be offset. The notice shall be provided to the employee at least 15 days prior to the offset of workers' compensation benefits. This notice shall indicate the amount and type of the offset; how the offset was calculated, with supporting documentation; when the offset commences; and the amount of credit, if applicable. Additionally, the insurer shall provide a duplicate of the notice to the Department. The employee may challenge the offset by filing a Petition for Review with the Department. The failure to properly or accurately calculate an offset may result in the imposition of penalties under section 435 of the WC act (77 P. S. § 991). Furthermore, failure to notify the employee of the offset or provide documentation in support of the offset may subject the insurer to penalties under section 435 of the WC act. It is the insurer's burden to demonstrate that the employee has, in fact, been notified of the offset.

b. *Offset of Unemployment Compensation Benefits:*

Workers' compensation benefits otherwise payable shall be offset by the amount an employee receives in unemployment compensation benefits subsequent to the work-related injury. The offset for unemployment compensation benefits is applicable to all injuries regardless of the date of occurrence. The offset shall apply only to unemployment compensation benefits which an employee receives and which are attributable to the same time period in which an employee also receives workers' compensation benefits. The offset may not apply to benefits to which an employee may be eligible, but is not receiving.

In cases when an employee receives a lump-sum award from the Bureau of Unemployment Compensation Benefits and Allowances, the insurer may credit the amount received by the employee against future payments of workers' compensation wage-loss benefits. The amount received by the employee shall be divided by the weekly workers' compensation rate. The result shall be the number of weeks, and fraction thereof, the insurer is entitled to credit towards future payments of workers' compensation.

An employee, whose workers' compensation benefits have been offset by amounts received in unemployment compensation benefits, who is required to repay the unemployment compensation benefits based upon a deter-

mination of ineligibility, shall be entitled to an immediate repayment by the insurer of the amount of the workers' compensation benefits previously offset. The employee may request that the insurer remit the repayment directly to the Bureau of Unemployment Compensation Benefits and Allowances.

c. *Offset of Social Security (old age) Benefits*

The workers' compensation offset for Social Security (old age) benefits is equal to 50% of the Social Security (old age) benefits which an employee receives subsequent to the work injury. The offset may not apply to Social Security (old age) benefits which commenced prior to the work-related injury and which the employee continues to receive subsequent to the work-related injury. The offset does not apply to benefits to which an employee may be entitled, but is not receiving. The offset shall be applied on a weekly basis; therefore, 50% of the monthly Social Security (old age) benefits received by the employee should be divided by 4.34. The result is the amount the insurer is entitled to offset from the weekly workers' compensation benefit.

d. *Offset for Pension Benefits*

The Department has construed pension offsets to apply to benefits received from both defined-benefit plans and defined-contribution plans. The offset is applicable only to the extent funded by the employer directly liable for the payment of workers' compensation benefits. However, in calculating the appropriate offset for defined-contribution plans, investment income attributable to the employer's contribution shall be included in the offset on a pro rata basis. For example, if the employer's original contribution accounts for 50% of the combined contribution, 50% of the investment income shall be attributed to the employer for purposes of calculating the offset.

The offset of pension benefits received by an employee shall be calculated on a weekly basis. If the pension benefit is received on a monthly basis, the net amount received by the employee shall be divided by 4.34. The result is the amount of the weekly offset to the workers' compensation benefit.

When the employee receives the pension in the form of a lump-sum payout, the pension offset shall be calculated based on the actuarial equivalent of the lump sum with respect to normal form annuity options (qualified joint and survivor annuity or life annuity) available at the time of the employee's receipt. The monthly benefit amount attributable to the annuity option shall be divided by 4.34. The result is the amount of the offset to the workers' compensation benefit on a weekly basis.

Workers' compensation benefits may not be offset by pension benefits which are rolled over into an Individual Retirement Account (IRA) or other similarly restricted account provided that the employee does not utilize or otherwise withdraw funds from the account while at the same time receiving workers' compensation benefits from the liable employer. In addition, the employee shall report the subsequent receipt of funds from the restricted account to the insurer on forms LIBC-756A, "Employee's Report of Benefits (Unemployment Compensation, Social Security (old age), Severance and Pension Benefits) for Offsets"; LIBC-750, "Employee Report of Wages (other than Workers' Compensation Benefits Received)" and LIBC-760, "Employee Verification of Employment, Self-Employment or Change in Physical Condition."

If the employee, while receiving workers' compensation benefits from the liable employer, utilizes or otherwise withdraws funds from the restricted account, the amount

received by the employee shall be used as a credit towards future payments of workers' compensation. If the employee begins receiving a monthly payment from the restricted account, the insurer shall receive an offset to the workers' compensation benefit equal to the offset the insurer would be entitled to if the employee were receiving a monthly pension benefit.

Additionally, if the employee receives a pension from a multi-employer funded pension plan, the offset shall be calculated based on the proportion of the liable employer's contribution to the pension fund. Contributions from other employers in the multi-employer funded pension plan may not be included in the offset. Therefore, the "extent funded by the liable employer" shall be obtained by calculating that portion of the annuity which was actually contributed by the employer at the time of the employee's receipt of the pension benefits, as explained more fully in Annex A.

*e. Offset for Severance Benefits*

Severance benefits, which are received subsequent to the work-related injury, shall be offset to the extent funded by the employer directly liable for the payment of compensation. Severance benefits are defined as any benefit which is taxable to the employee and which is paid as a result of the employee's separation from employment. Severance benefits include benefits received in the form of tangible property. Severance benefits may not include earned income, such as payments based on an employee's unused vacation or sick leave.

If the severance benefits are received in a lump-sum payout, the insurer shall be entitled to a credit towards future payments of workers' compensation until the full amount of the offset has been captured. The net amount received by the employee shall be divided by the weekly workers' compensation rate. The result shall be the number of weeks, and fraction thereof, the insurer may credit towards future payments of workers' compensation benefits. In cases where the employee receives tangible property as a severance benefit, the insurer shall be entitled to an offset equal to the market value of the property received by the employee. The offset attributable to tangible property shall be achieved consistent with the manner in which the insurer achieves an offset with respect to lump-sum payouts of severance benefits as previously discussed.

*Section 302(c) Agricultural Labor*

Prior to Act 57, section 302(c) of the WC act (77 P. S. § 463) required employers of agricultural labor to provide workers' compensation coverage if during the calendar year the employer paid wages to one employee for agricultural labor totaling \$150 or furnished employment to one employee in agricultural labor on 20 or more days. Act 57 amended this section by increasing the wage requirement to \$1,200 dollars and increased the days of employment to 30 or more days. In addition, the amendments to section 302(c) of the WC act remove the employee status from a spouse or a child (under 18 years of age) of the employer for purposes of workers' compensation coverage, unless that family member has entered into a written contract of hire. A written contract of hire must be on file with the Department if the employer seeks to provide workers' compensation coverage to his spouse or child.

*Section 306(a.2) Impairment Rating*

Section 306 of the WC act (77 P. S. § 511) was amended by Act 57 to provide for an impairment rating evaluation to determine the percentage of impairment at the expiration of an employee's receipt of 104 weeks of total disability

compensation. The impairment rating is a mechanism for adjusting the status of workers' compensation benefits between total and partial. Nothing in this section precludes an insurer from seeking a modification or suspension of benefits based upon earning power or a termination of benefits based upon medical recovery during the employee's receipt of 104 weeks of total disability compensation.

Section 306(a.2) of the WC act requires the insurer to request an impairment rating evaluation within 60 days of the employee's receipt of 104 weeks of total disability benefits. The Department has interpreted this section to allow an insurer to request an evaluation 60 days prior to the expiration of the 104 weeks. Additionally, the insurer may request an evaluation up to 60 days after the expiration of the 104 weeks. However, the evaluation may not be performed prior to the expiration of the employee's receipt of 104 weeks of total disability benefits.

The 104 weeks of total disability shall be calculated on a cumulative basis. Therefore, employees who have received benefits both partial and total in character may be subject to an impairment rating evaluation only upon their receiving a total of 104 weeks of total disability benefits.

The insurer shall request an impairment rating evaluation in accordance with section 314 of the WC act (77 P. S. § 651). The request shall be made in writing on a form designated by the Department to the employee and the employee's counsel (if known). Requests for impairment evaluations shall state with specificity the date, time and location of the evaluation. Additionally, the request shall indicate the name of the physician chosen by agreement of the parties to perform the evaluation. If the parties cannot reach agreement on a physician to perform the evaluation, the Department will designate a physician.

The physician performing the impairment rating evaluation shall be a physician licensed in this Commonwealth who is certified by an American Board of Medical Specialties-approved board or its osteopathic equivalent and who is active in clinical practice at least 20 hours per week. The phrase "active in clinical practice" means a physician who provides preventive care and evaluates, treats and manages medical conditions of patients on an ongoing basis. Physicians designated by the Department to perform impairment rating evaluations may also be subject to additional training requirements and other criteria.

Act 57 provides that the impairment rating evaluation shall be performed in accordance with the most recent edition of the American Medical Association "Guides to the Evaluation of Permanent Impairment" (Guides). Physician evaluations shall generate an impairment rating in all cases, unless the condition of the employee is expressly excluded by the Guides. When the Guides are silent as to a particular condition, the ratings for similar or analogous conditions found in the Guides shall be applicable. The insurer maintains the right to request and receive impairment rating evaluations twice in a 12-month period.

The physician performing the evaluation shall indicate the impairment rating on an "Impairment Rating Determination Face Sheet" (Face Sheet). The physician shall attach a written report of the evaluation findings to the Face Sheet. The Face Sheet and report shall be completed and provided to the insurer, employee, employee's counsel (if known) and the Department within 30 days of the date of the impairment rating evaluation.

If the evaluation results in an impairment rating that is equal to or greater than 50%, the employee shall be presumed to be totally disabled. If the evaluation results in an impairment rating that is less than 50%, the employee shall receive benefits partial in character. After receipt of the Face Sheet, the insurer may adjust the employee's benefit status by providing written notice, on a form prescribed by the Department, to the employee, employee's counsel (if known) and the Department that: (1) the evaluation has resulted in an impairment rating of less than 50%; (2) 60 days from the date of the notice the employee's benefit status shall be adjusted from total to partial; (3) the adjustment of benefit status may not change the amount of the weekly workers' compensation benefit; (4) the employee may challenge an adjustment of benefit status by filing a Petition for Review with the Department and producing a physician's determination of impairment which is equal to or greater than 50%; and (5) an employee may only receive partial disability benefits for a maximum of 500 weeks.

If an impairment rating evaluation is performed within 60 days of the expiration of the employee's receipt of 104 weeks of total disability benefits, the adjustment of benefit status from total to partial shall relate back to the date of the expiration of 104 weeks of total disability benefits. If the impairment evaluation is performed more than 60 days after the expiration of the employee's receipt of 104 weeks of total disability benefits, the adjustment of benefits from total to partial shall be effective as of the date of the evaluation.

At any time during the receipt of the 500 weeks of partial disability benefits, an employee may appeal the adjustment of disability status to a Workers' Compensation Judge by filing a Petition for Review with the Department. The employee shall produce a physician's determination that the employee's impairment rating is equal to or greater than 50% under the Guides.

The insurer maintains the right to request and receive an impairment rating evaluation twice in a 12-month period. This does not diminish the insurer's right to request and receive independent medical examinations and vocational evaluations under section 314 of the WC act. Furthermore, the insurer maintains the right, at any time, to produce evidence of the employee's earning power consistent with section 306(b)(2) of the WC act.

In addition, the phrase "unless otherwise agreed to" found in section 306(a.2) of the WC act, permits the parties to forego an impairment rating evaluation after the employee's receipt of 104 weeks of total disability benefits, for example, when the parties agree that the employee remains totally disabled. Further, parties may agree to forego the evaluation after the expiration of the employee's receipt of 104 weeks of total disability benefits, if they agree via supplemental agreement, that the employee is partially disabled and, therefore, the evaluation is unnecessary. Despite any agreement to forego the evaluation, neither the employee nor the insurer shall be precluded from requesting the evaluation at a later date. Furthermore, the parties may not agree to perform an impairment rating evaluation prior to the expiration of the employee's receipt of 104 weeks of total disability benefits.

#### *Section 306(b)(2) Earning Power Determination*

Act 57 substantially amended section 306(b)(2) of the WC act. For injuries which are suffered on and after June 24, 1996, earning power shall be determined by proof of the employee's capacity to perform a job and the existence

of a job in the usual employment area. The requirement of locating a job offer for the employee established by *Kachinski v. WCAB (Vepco Construction Co.)*, 516 Pa. 240, 532 A.2d 374 (1987), is limited to the situation where a specific job vacancy exists with the employer liable for the payment of compensation, as described more fully as follows.

If there exists a specific job vacancy with the liable employer that the employee is capable of performing, the employer must offer that job to the employee prior to seeking a modification of benefits based on earning power. This is considered a threshold requirement for seeking a modification based on earning power. This threshold requirement is satisfied when the employer avers on the Petition for Modification that: (1) the employee was notified of a job vacancy and failed to respond; (2) a specific job vacancy was offered to the employee, which the employee refused; or (3) no job vacancy exists.

The employer's obligation to offer a specific job vacancy that the employee is capable of performing arises when the insurer notifies the employee that the employee is able to return to work and provides the notice as required under section 306(b)(3) of the WC act. The liable employer's obligation continues for 30 days from the date of the notice or until the insurer files a Petition for Modification, whichever is longer.

The employee may establish the existence of a specific job vacancy by demonstrating that during the period in which the employer has a duty to offer a specific job vacancy that the employee is capable of performing: (1) the employer is or was actively recruiting for a particular vacancy; (2) the vacancy is or has been posted; or (3) the employer has announced a vacancy exists that it intends to fill. In all situations, the employee shall meet or exceed the requirements of the position. A job may not be considered vacant if the employer is precluded from offering the job to a particular employee because a collective bargaining agreement limits the type of position that employee may hold.

Section 306(b)(2) of the WC act provides that the employee's earning power shall be determined based upon expert opinion. The expert contemplated by this section is a vocational evaluator. Further, this section provides that in order to accurately assess the earning power of the employee, the insurer may require the employee to submit to an interview by an expert approved by the Department. Requests for interviews by vocational evaluators shall be made in accordance with section 314 of the WC act.

In order to ensure the level of expertise and professionalism required to conduct earning power assessment interviews, the Department has established minimum qualifications for vocational evaluators. These qualifications are set forth in Annex A.

#### *Section 306(b)(3) Notice*

Act 57 amended the WC act by the addition of section 306(b)(3). This section requires insurers to provide prompt written notice to an employee when the insurer receives medical evidence that the employee is able to return to work in any capacity. The notice shall be provided on form LIBC-757, "Notice of Ability to Return to Work."

This notice shall be provided to the employee and the employee's counsel (if known), regardless of whether the insurer intends to seek a modification of the employee's benefits. If, based on the evidence, the insurer intends to seek a modification of the employee's benefits, the notice

must be provided to the employee prior to or contemporaneous with the filing of a Petition for Modification.

*Section 306(f.1)*

Act 57 amended the medical cost containment provisions of Act 44. The Department intends to amend the medical cost containment regulations of Chapter 127, Subchapter C (relating to medical treatment review) to accommodate the changes provided by Act 57. These amendments with respect to section 306(f.1) and (f.2) of the WC act shall be made contemporaneously with the proposed rulemaking process for other sections of Act 57.

*Section 306(f.1)(1)(i)*

Act 57 amended section 306(f.1)(1)(i) of the WC act by extending the time period when an injured employee must treat with an employer-designated health care provider from 30 days to 90 days. Act 57 further provides that an employee, who has been informed by an employer-designated health care provider of the necessity of invasive surgery, may seek an additional opinion from a health care provider of the employee's choice. However, if the additional opinion provides an alternate course of treatment to the invasive procedure, which the employee opts to follow, the employee shall choose a health care provider from the employer's designated list to perform the alternate course of treatment. The employee is required to treat with the chosen health care provider for 90 days. Therefore, in this situation, the employee may be required to treat with an employer-designated provider for up to 180 days.

*Section 306(f.1)(5) Payment to Providers*

The WC act requires insurers to make payment to health care providers within 30 days of receipt of the provider's bills and medical report. Insurers are permitted, however, to suspend payment to providers when the insurer or employer disputes the reasonableness and necessity of the treatment by filing an UR request. Act 57 amended this section of the WC act by providing that when the insurer receives a bill and medical report and disputes the reasonableness and necessity of a portion of the treatment listed on the bill, the nonpayment provision will only apply to the particular treatment which is the subject of dispute. Therefore, insurers shall submit payment to the provider for those portions of the treatment listed on the bill not challenged as unreasonable or unnecessary within 30 days.

Act 57 also creates a statute of limitations during which a provider shall file an Application for Fee Review. Providers shall file an Application for Fee Review no more than 30 days following notification of a disputed treatment or 90 days following the original billing date of treatment, whichever is later. The new statute of limitations applies only to treatment rendered on or after August 23, 1996. If an insurer has the right to suspend payment due to the filing of a UR request, the period during which the provider shall file an Application for Fee Review is tolled. Applications for Fee Review will continue to be processed under §§ 127.251—127.261 (relating to review of medical fee disputes).

*Section 306(f.1)(6) UR*

Requests for Reconsideration have been eliminated by Act 57. Requests for Reconsideration were no longer accepted by the Department on and after August 23, 1996. Additionally, all regulations promulgated under Act 44 with respect to Reconsideration requests are considered repealed to the extent that they are inconsistent with the provisions of Act 57. However, those regulations

relating to payment for Reconsiderations shall remain in effect until all outstanding balances have been cleared.

If a party wishes to challenge the determination of the Utilization Review Organization (URO), the party must file a Petition for Review of Utilization Review Determination with the Department. The Petition for Review of Utilization Review Determination will be handled in the manner indicated in §§ 127.551—127.556 (relating to UR—petition for review). If a Petition for Review of Utilization Review Determination is filed by any party, the insurer's obligation to pay the bills submitted for the treatment under review shall be determined in accordance with § 127.208 (relating to time for payment of medical bills). This interpretation is consistent with the practice under Act 44, when a Petition for Review had been filed after a determination on reconsideration.

With respect to requests for UR, in the case of physical therapy or occupational therapy, the review shall be performed by a reviewer licensed in this Commonwealth in the same profession and having the same specialty as the provider of treatment under review, regardless of the profession or specialty of the provider who prescribed the treatment. This is a departure from the practice under § 127.466 (relating to the assignment of a UR request to a reviewer by a URO).

Under § 127.466, a UR request seeking review of both physical therapy and office visits of the referring physician were consolidated in one review which named only the referring physician as the provider under review. As such, the reviewer was a physician in the same specialty as that of the referring doctor.

Effective August 23, 1996, however, requests seeking review of physical therapy and review of the referring physician have been treated separately. Parties wishing to obtain UR of both physical therapy, including occupational therapy, and the treatment of the referring physician shall file separate UR requests for the physical or occupational therapy and other treatment sought to be reviewed. This practice ensures that the parties' filing dates are maintained until regulations reflect the new procedure for review of physical therapy and also ensures that the appropriate reviewer is assigned for the treatment under review.

In cases where a Petition for Review of Utilization Review Determination has been filed, it shall be the responsibility of the Department to forward the report of the reviewer to the Workers' Compensation Judge. The report shall become part of the record before the Workers' Compensation Judge. This is a departure from § 127.555 (relating to petition for review by Bureau—transmission of URO records to Workers' Compensation judge). Regulations which forbid the action ordered by this section are considered repealed to the extent that they are inconsistent with Act 57. However, transmission of the URO records to the Workers' Compensation Judge will continue to be governed by § 127.555 (relating to petition for review by Bureau—transmission of URO records to Workers' Compensation judge).

*Section 306(f.2) CCOs*

Act 57 amended section 306(f.2) of the WC act by transferring the authority for certification of CCOs from the Department of Health to the Department. Accordingly, the Department will develop procedures and issue an application form for CCO certification. CCOs currently certified by the Department of Health will continue to be certified until such time as the new procedures for CCO certification are published in the *Pennsylvania Bulletin*.

Section 31.2 of Act 57 provides that the regulations promulgated by the Department of Health under section 306(f.2)(7) of the WC act shall be deemed regulations of the Department. The Department intends to operate under the existing statement of policy published by the Department of Health at 28 Pa. Code Chapter 9, Subchapter B (relating to coordinated care organizations—statement of policy).

*Section 311.1 Employee Reporting Requirements and Verification*

Act 57 creates new reporting requirements for employees who file for, or are receiving, workers' compensation benefits. The reporting requirements are intended not only to facilitate the management of claims, but also to reduce fraud within the workers' compensation system. The insurer shall notify the employee, at the time of the work injury or upon commencing payment of compensation, of the duty to report under this section, and shall provide the employee with the necessary forms.

Under section 311.1(a) of the WC act (77 P. S. § 631.1), employees who file for, or are receiving, compensation shall report information to the insurer which is relevant to determining the entitlement to, or the amount of, compensation. The information includes information regarding employment, including voluntary employment, self-employment, wages earned and the receipt of any benefits referred to in section 204 of the WC act. The employee is obligated to report this information on form LIBC-750, "Employee Report of Wages (other than Workers' Compensation Benefits Received)" within 30 days of commencing employment and self-employment.

The employee's failure to file the reporting form under section 311.1(a) of the WC act may not result in the suspension of benefits. However, the failure to file the form may subject the employee to prosecution under the provisions of Article XI of the WC act relating to fraud.

Under section 311.1(d) of the WC act, insurers may submit form LIBC-760, "Employee Verification of Employment, Self-employment or Change in Physical Condition" to an employee and the employee's counsel (if known), to verify that the employee's status regarding the entitlement to receive compensation has not changed. It is the insurer's burden to demonstrate that the employee has, in fact, received the verification form. The form requires that the employee supply all information which is relevant to determining the amount of, or entitlement to, compensation. The employee shall complete and return the verification form to the insurer within 30 days of its receipt. The employee's failure to return the form in the specified time period may result in a suspension of the employee's workers' compensation benefits, under section 311.1(g) of the WC act.

The insurer shall suspend payments of compensation by providing written notice to the employee and the employee's counsel, if known, on a form designated by the Department, that the workers' compensation benefits have been suspended as a result of the employee's failure to return the verification form within the statutory time period. The notice shall further inform the employee that the workers' compensation benefits shall be reinstated immediately upon the insurer's receipt of the verification form. In addition, the notice shall inform the employee of the right to challenge the suspension of benefits by filing a Petition for Review with the Department. Employees are not entitled to payments of compensation during the period of noncompliance with this section. Furthermore, failure to comply with section 311.1(d) of the WC may

subject the employee to prosecution under the provisions of Article XI of the WC act relating to fraud.

Upon receipt of the completed verification form, the insurer shall immediately reinstate benefits for which the employee is eligible. The insurer shall submit a notice of reinstatement of benefits to the employee, employee's counsel, if known, and the Department, indicating the date of receipt of the verification form and the date of reinstatement of workers' compensation benefits. A failure to do so may result in the imposition of penalties under section 435 of the WC act (77 P. S. § 991).

*Section 314 Independent Medical Examination*

Prior to Act 57, section 314 of the WC act provided the mechanism for insurers to compel an employee's attendance at an examination by a physician. Act 57 amended this section by creating a mechanism for insurers to request the employee's attendance at a physical examination or other expert interview by an appropriate health care provider or other expert. The term "other expert" under this section refers to the vocational evaluator in section 306(b)(2) of the WC act. The term "health care provider" shall be construed under section 109 of the WC act (77 P. S. § 29).

Additionally, this section provides the mechanism for an insurer to compel the employee's attendance at the evaluation referred to under section 306(a.2) of the WC act. An employee's failure to attend an examination, impairment rating evaluation or other expert interview under this section may result in a suspension of the employee's workers' compensation benefits.

*Section 402.1 Informal Conferences*

Act 57 amended the WC act by adding section 402.1 (77 P. S. § 711.1), which provides a mechanism for informal conferences. Act 57 intended that informal conferences would expedite the workers' compensation adjudication process by allowing parties to meet informally and discuss issues involved in an ongoing case. An informal conference will only be held when both parties agree to the conference. Additionally, for purposes of this section only, informal conferences are not considered adversary proceedings; therefore, the representation of a corporation by an agent or representative of the corporation other than an attorney are not considered the unauthorized practice of law. As such, it is not necessary or required that a corporation be represented by an attorney at an informal conference. However, when the case is transferred to a Workers' Compensation Judge for an adjudication, the corporation shall be represented by an attorney.

*Section 413(a.1) Automatic Request for Supersedeas*

Act 57 amended section 413 of the WC act by adding subsection (a.1) (77 P. S. § 771(a.1)), which provides for an automatic request for supersedeas when the insurer files a petition alleging an employee's full recovery, accompanied by a physician's affidavit to that effect. The physician's affidavit alleging full recovery must have been completed in connection with an examination which occurred within 21 days prior to the insurer's filing of the petition for termination. An employee is fully recovered when all disability related to the work injury has resolved, even when the injury leaves a physical deformity with no functional impairment. The physician's affidavit of recovery may be considered prima facie evidence of a change in the medical status of the employee warranting the grant of supersedeas by a Workers' Compensation Judge.

Consistent with the Special Rules of Administrative Practice and Procedure Before Workers' Compensation

Referees (Judges), if the Judge fails to conduct a special supersedeas hearing as required or fails to rule on the supersedeas within the 7 days of the special supersedeas hearing as prescribed under this section, the supersedeas shall be deemed denied. This interpretation is consistent with the current practice under § 131.43 (relating to disposition of request for supersedeas).

Other requests for supersedeas shall be governed by section 413(a.2) of the WC and the Special Rules of Administrative Practice and Procedure Before Referees (Judges) at §§ 131.41—131.43 (relating to supersedeas).

*Section 413(c) and (d) Return to Work Suspension/Modification*

Act 57 amended the WC act by adding section 413 (c) and (d), which allows an insurer to suspend or modify compensation upon the employee's return to work. If the employee is receiving wages greater than or equal to the pre-injury wage, the insurer is entitled to suspend the payment of wage-loss benefits. If the employee has returned to work at wages less than the pre-injury wage, the insurer is entitled to modify the workers' compensation benefits.

These sections require the insurer to notify the employee and the employee's counsel (if known), via forms LIBC-751, "Notification of Suspension or Modification pursuant to §§ 413(c) & (d)" and LIBC-752, "Insurer's Affidavit Pursuant to Section 413(C) & (D)," within 7 days of suspending or modifying benefits. It is the insurer's burden to demonstrate that the employee has, in fact, been notified of the change.

The employee may challenge the suspension or modification of compensation by checking off the Petition to Challenge box on form LIBC-751 and returning the form to the Department within 20 days of receipt.

If the employee challenges the insurer's suspension or modification, a special supersedeas hearing will be conducted by a Workers' Compensation Judge within 21 days of the challenge. If the Judge fails to hold a hearing within the prescribed time period or fails to rule on the special supersedeas within 14 days of the hearing, the insurer may not continue to suspend or modify the compensation. This interpretation is consistent with § 131.43 (relating to disposition of request for supersedeas).

*Section 449 Compromise and Release Agreements*

Act 57 amended the WC act by permitting the release of liability claimed to exist under the WC act on account of injury or death through Compromise and Release Agreements. Although the Department requires that Compromise and Release Agreements be completed on form LIBC-755, "Compromise and Release Agreement by Stipulation Pursuant to section 449 of the Workers' Compensation Act," parties may attach additional information if circumstances so require.

Parties to Compromise and Release Agreements may resolve claims through the use of structured settlements to provide periodic payments to injured workers for a defined period of time. In addition, in situations where the future medical expenses are speculative, parties may establish a medical reversionary trust. A medical reversionary trust provides security to an injured employee in terms of ensuring full funding for future medical care. A trust may be used in conjunction with a structured settlement to provide compensation for both medical expenses and wage losses.

Section 449(d) of the WC act contemplates the use of vocational evaluators. The vocational evaluators shall possess the minimum requirements established for vocational evaluators performing the earning power assessment interviews required by section 306(b)(2) of the WC act. The parties may agree to waive the requirement of a vocational evaluation, or the Workers' Compensation Judge may determine that it is inappropriate or unnecessary; however, the evaluation shall be performed if the Workers' Compensation Judge determines that it is necessary prior to approving the Compromise and Release Agreement.

A Compromise and Release Agreement is not a stipulation as that term is utilized in § 131.91 (relating to stipulations of fact).

Although a Compromise and Release Agreement may extinguish the employer's liability for a work-related injury, amounts paid under a Compromise and Release Agreement shall be considered benefits under the WC act.

Compromise and Release Agreements shall be submitted to a Workers' Compensation Judge at least 15 days prior to the hearing on the agreement. In determining whether to approve the Compromise and Release Agreement, the Workers' Compensation Judge will determine whether the employee understands the full legal significance of the agreement. Compromise and Release Agreements are not valid unless approved in a written order by a Worker's Compensation Judge.

*Section 450 Collective Bargaining Agreements*

Act 57 amended the WC act to permit any employer and the recognized or certified and exclusive representative of its employees to establish, through collective bargaining, certain binding obligations and procedures for the resolution of claims relating to workers' compensation. Act 57 encourages utilization of this enabling language and the Department's Office of Labor-Management Cooperation is available to provide assistance to interested parties.

It is envisioned that this section will provide flexibility between management and labor organizations to resolve workers' compensation claims in an expeditious manner, while preserving the benefits and protections of the WC act.

Collective bargaining agreements may provide an alternative dispute resolution (ADR) system which may include, but is not limited to, arbitration, mediation and conciliation, for the resolution of claims for work-related injuries.

An ADR system established under section 450 of the WC act (77 P. S. § 1000.6) shall be the exclusive system for resolving workers' compensation claims. All determinations made under an ADR system established under section 450 of the WC act shall be binding and enforceable. Appeals from determinations rendered under an ADR system are limited to those made under the conditions specified by 42 Pa.C.S.A. § 7314 (relating to vacating award by court). The ADR system in effect on the date of the employee's work-related injury shall be the exclusive system utilized to resolve any claim for benefits made by the employee in relation to the work-related injury.

Collective bargaining agreements may provide that in the event of the termination or expiration of the agreement, the parties shall be subject to the terms and conditions of the expired agreement until a new collective bargaining agreement becomes effective. In that instance,

ADR systems in place at the time the agreement expires shall continue to be the exclusive system for the resolution of the workers' compensation claims.

#### *Section 1002 Safety Committee Discount*

Act 44 amended the WC act by adding section 1002 (77 P. S. § 1038.2), which provided that employers who establish certified safety committees were entitled to receive a one-time 5% discount on their workers' compensation premium. Act 57 amended section 1002(b) of the WC act by extending the 5% discount for a total of 5 years, if the safety committee continues to operate and meet the certification requirements. Employers who took advantage of the one-time discount under Act 44 and whose safety committees continue to operate and meet the certification requirements may receive 4 more years of a discount on their workers' compensation premium.

The Department will soon publish proposed regulations in the *Pennsylvania Bulletin* which will provide the procedures for establishing safety committees under Act 44 and obtaining the additional discounts as provided under Act 57.

Employers who qualified for and received the 5% discount under Act 44, whose policies' renewal dates fell between the signing date of Act 57 (June 24, 1996) and the effective date of most provisions of Act 57 (August 23, 1996), were not entitled to the continuation of the 5% discount. In response to this situation, the Insurance Commissioner issued a press release dated October 28, 1996, encouraging insurers to voluntarily grant the 5% discount to those employers who met the certification and renewal criteria and whose policies' renewal dates fell between the signing and the effective date of Act 57.

(*Editor's Note:* The regulations of the Department, 34 Pa. Code, are amended by adding a statement of policy at §§ 122.1—122.11, 122.101—122.104, 122.201, 122.202, 122.301—122.303, 122.410, 122.501 and 122.502 to read as set forth in Annex A.)

JOHNNY J. BUTLER,  
*Secretary*

**Fiscal Note:** 12-48. No fiscal impact; (8) recommends adoption. There will be undeterminable costs to the Department associated with this statement of policy. These costs will be offset by expected savings to the Commonwealth as a self-insured employer.

#### **Annex A**

### **TITLE 34. LABOR AND INDUSTRY PART VIII. BUREAU OF WORKERS' COMPENSATION**

#### **CHAPTER 122. GENERAL PROVISIONS OF ACT 57 OF 1996—STATEMENT OF POLICY**

Subch.

- A. OFFSET OF UNEMPLOYMENT COMPENSATION, SOCIAL SECURITY (OLD AGE), PENSION AND SEVERANCE BENEFITS
- B. IMPAIRMENT RATINGS
- C. VOCATIONAL EXPERTS AND EARNING POWER ASSESSMENTS
- D. EARNING POWER DETERMINATIONS
- E. COLLECTIVE BARGAINING
- F. EMPLOYEE REPORTING REQUIREMENTS AND VERIFICATION

#### **Subchapter A. OFFSET OF UNEMPLOYMENT COMPENSATION, SOCIAL SECURITY (OLD AGE), PENSION AND SEVERANCE BENEFITS**

Sec.

- 122.1 Purpose.
- 122.2 Definitions.

- 122.3 Employee report of benefits subject to offset.
- 122.4 Application of the offset, generally.
- 122.5 Credit for benefits already received.
- 122.6 Application of offset for unemployment compensation (UC) benefits.
- 122.7 Application of offset for Social Security (old age) benefits.
- 122.8 Offset for pension benefits, generally.
- 122.9 Application of offset for pension benefits.
- 122.10 Multi-employer pension fund offsets.
- 122.11 Application of offset for severance benefits.

#### **§ 122.1. Purpose.**

This subchapter interprets the provisions of the act which require the offset of workers' compensation benefits by amounts received in unemployment compensation, Social Security (old age), pension and severance benefits, subsequent to the work-related injury.

#### **§ 122.2. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Act*—The Workers' Compensation Act (77 P. S. §§ 1—2626).

*Actuarial equivalent*—The amount of money available under one set of assumptions which will result in the same present value under a different set of assumptions.

*Defined-benefit plan*—A pension plan in which the benefit level is established at the commencement of the plan and actuarial calculations determine the varying contributions necessary to fund the benefit at an employee's retirement.

*Defined-contribution plan*—A pension plan in which contributions accumulate and are invested in a separate account for each employee. At the time of retirement the accumulated contributions and earnings determine the amount of the employee's benefit either in the form of a lump-sum distribution or annuity.

*IRA*—Individual retirement account as that term is utilized in sections 219 and 408(a) (26 U.S.C.A. §§ 219 and 408(a)).

*Investment income*—Income earned on and which becomes part of the principal amount of pension funds by virtue of investment.

*Multi-employer pension plan*—A plan to which more than one employer is required to contribute and is maintained pursuant to one or more collective bargaining agreements between one or more employee organizations and more than one employer.

*Net*—The amount of Social Security (old age), pension or severance benefits received by the employee after deductions for local, State and Federal taxes and amounts deducted under the Federal Insurance Contributions Act (FICA) (26 U.S.C.A. §§ 3101—3126).

*Pension*—A plan or fund established or maintained by an employer, an employee organization, or both, which provides retirement income to employees or results in deferral of income by employees extending to termination of employment and beyond.

*Severance benefits*—A benefit which is taxable to the employee and paid as a result of the employee's separation from employment by the employer liable for the payment of workers' compensation, including benefits in the form of tangible property. The term does not include payments received by the employee based on unused vacation or sick leave or otherwise earned income.

*Social Security (old age)*—Benefits received by an employee under the Social Security Act (42 U.S.C.A. §§ 301—1397e) (relating to Social Security Retirement Income).

**§ 122.3. Employee report of benefits subject to offset.**

(a) Employees shall report to the insurer amounts received in unemployment compensation, Social Security (old age), severance and pension benefits on form LIBC-756(A). In addition, employees shall report the withdrawal or use of pension funds which were rolled over into an IRA or other similarly restricted account.

(b) Form LIBC-756(A) shall be completed and forwarded to the insurer within 30 days of the employee's receipt of any of the benefits specified in subsection (a) or within 30 days of any change in the receipt of the benefits specified in subsection (a), but in any event no less than every 6 months.

**§ 122.4. Application of the offset, generally.**

(a) After receipt of Form LIBC-756(A), the insurer may offset workers' compensation benefits by amounts received by the employee from any of the sources in § 122.3 (relating to employee). The offset of workers' compensation benefits shall only apply with respect to amounts of unemployment compensation, Social Security (old age), pension and severance benefits received subsequent to the work-related injury.

(1) The offset for amounts received in Social Security (old age), severance and pension benefits shall only apply to individuals with claims for injuries suffered on or after June 24, 1996.

(2) The offset for amounts received in unemployment compensation benefits applies to all claims regardless of the date of injury.

(b) At least 15 days prior to taking the offset, the insurer shall notify the employee, on a form prescribed by the Department, that the workers' compensation benefits will be offset. The notice shall indicate:

- (1) The amount of the offset.
- (2) The type of offset (that is, unemployment compensation, Social Security (old age), severance or pension).
- (3) How the offset was calculated, with supporting documentation.
- (4) When the offset commences.
- (5) The amount of any credit, if applicable.

(c) Whenever the insurer's entitlement to the offset changes, the insurer shall notify the employee of the change at least 15 days prior to the adjustment on the form specified in subsection (b).

(d) The insurer shall provide a copy of the form specified in subsections (b) and (c) to the employee, the employee's counsel—if known—and the Department.

(e) The employee may challenge the offset by filing a Petition for Review with the Department.

(f) It is the insurer's burden to demonstrate that the employee has been notified of the offset.

**§ 122.5. Credit for benefits already received.**

(a) If the insurer receives information that the employee has received benefits for which an employer is entitled to offset from one or more of the sources in § 122.3 (relating to employee report of benefits subject to offset), the insurer may credit the amounts received towards future payments of workers' compensation benefits.

(b) The net amount received by the employee, prior to notification to the insurer, shall be divided by the weekly workers' compensation rate. The result shall be the number of weeks, and fraction thereof, the insurer is entitled to credit towards future payments of workers' compensation.

(c) The insurer shall notify the employee, the employee's counsel—if known—and the Department of the offset as specified in § 122.4(b) (relating to application of the offset, generally).

(d) The employee may challenge the offset by filing a Petition for Review with the Department.

**§ 122.6. Application of offset for unemployment compensation (UC) benefits.**

(a) Workers' compensation benefits otherwise payable shall be offset by the amount an employee receives in UC benefits subsequent to the work-related injury. This offset shall apply only to UC benefits which an employee receives and which are attributable to the same time period in which an employee also receives workers' compensation benefits.

(b) The offset may not apply to benefits for which an employee may be eligible, but is not receiving.

(c) When an employee receives UC benefits which the employee is later required to repay based upon a determination of ineligibility, the insurer may not offset the workers' compensation benefits.

(d) When an employee's workers' compensation benefits have been offset by the amount received in UC benefits and the employee is required to repay UC benefits based upon a determination of ineligibility, the insurer shall immediately repay the employee for the amounts previously offset from the workers' compensation benefits. The employee may request that the insurer remit the repayment directly to the Bureau of Unemployment Compensation Benefits and Allowances (Bureau).

(e) When an employee receives a lump-sum award from the Bureau, the insurer may credit the amount received by the employee towards future payments of workers' compensation benefits. The amount received by the employee shall be divided by the weekly workers' compensation rate. The result shall be the number of weeks, and fraction thereof, the insurer is entitled to credit towards future payments of workers' compensation.

**§ 122.7. Application of offset for Social Security (old age) benefits.**

(a) Workers' compensation benefits otherwise payable shall be offset by 50% of the amount received in Social Security (old age) benefits. The offset shall only apply to amounts which an employee receives subsequent to the work-related injury. The offset may not apply to Social Security (old age) benefits which commenced prior to the work-related injury and which the employee continues to receive subsequent to the work-related injury.

(b) The offset may not apply to benefits to which an employee may be entitled, but is not receiving.

(c) The offset shall be applied on a weekly basis. To calculate the weekly offset, 50% of the monthly Social Security (old age) benefits received by the employee shall be divided by 4.34. The result is the amount of the weekly offset to the workers' compensation benefit.

**§ 122.8. Offset for pension benefits, generally.**

(a) Workers' compensation benefits otherwise payable shall be offset by the amount an employee receives in



pension benefits to the extent funded by the employer directly liable for the payment of workers' compensation.

(b) The pension offset shall apply to amounts received from defined-benefit and defined-contribution pension plans.

(c) In calculating the offset amount for defined-contribution plans, investment income attributable to the employer's contribution to the pension plan shall be included on a pro rata basis.

#### **§ 122.9. Application of offset for pension benefits.**

(a) Offsets to amounts received from pension benefits shall be achieved on a weekly basis. If the employee receives the pension benefit on a monthly basis, the net amount received by the employee shall be divided by 4.34. The result is the amount of the weekly offset to the workers' compensation benefit.

(b) When the employee receives a pension benefit in the form of a lump-sum payment, the actuarial equivalent of the lump-sum with respect to the normal form annuity options (qualified joint and survivor annuity or life annuity) available at the time of the employee's receipt shall be used as the basis for calculating the offset to the workers' compensation benefit. The monthly annuity equivalent shall be divided by 4.34. The result shall be the offset to the workers' compensation benefit on a weekly basis.

(c) Pension benefits which are rolled over into an IRA or other similarly restricted account are not subject to the offset, so long as the employee does not utilize or otherwise withdraw funds from the account while simultaneously receiving workers' compensation benefits from the liable employer.

(d) If the employee, while receiving workers' compensation benefits from the liable employer, utilizes or otherwise withdraws funds from the IRA or other similarly restricted account, the insurer shall be entitled to an offset to workers' compensation benefits.

(1) If the employee begins receiving a monthly payment from the IRA or other similarly restricted account, the insurer shall receive an offset to the workers' compensation benefit equal to the offset the insurer would be entitled to if the employee were receiving a monthly pension benefit.

(2) If the employee utilizes or otherwise withdraws an amount from the IRA or other similarly restricted account which is greater than the actuarial equivalent of the lump sum with respect to the normal form annuity options (qualified joint and survivor annuity or life annuity) available at the time of the employee's receipt, the insurer may be entitled to a credit towards payments of future workers' compensation benefits equal to the amount of the funds utilized or otherwise withdrawn.

(e) The employee shall report the subsequent receipt of funds from the IRA or other similarly restricted account to the insurer on forms LIBC-756A, LIBC-750 and LIBC-760.

#### **§ 122.10. Multi-employer pension fund offsets.**

(a) When the pension benefit is payable from a multi-employer pension plan, only that amount which is directly contributed by the employer liable for the payment of workers' compensation shall be utilized in calculating the offset to workers' compensation benefits.

(b) To calculate the appropriate offset amount, the portion of the annuity purchased by the liable employer's contributions shall be as determined by the pension fund's actuary. The ratio of the portion of the annuity

purchased by the liable employer's contributions to the total annuity shall be multiplied by the net amount received by the employee from the pension fund on a weekly basis. The result is the amount of the offset to be applied to the workers' compensation benefit on a weekly basis.

(c) If the employee receives the multi-employer pension benefit on a monthly basis, the net amount received by the employee shall be multiplied by the ratio of the liable employer's contribution to the pension plan on behalf of the employee; and that product shall be divided by 4.34. The result is the amount of the offset to the workers' compensation benefit on a weekly basis.

(d) If the employee receives the multi-employer pension benefit in a lump sum, the actuarial equivalent of the lump sum with respect to the normal form annuity options (qualified joint and survivor annuity or life annuity) available at the time of the employee's receipt of the benefit shall be used as the basis for calculating the offset to the workers' compensation benefit. The ratio of the employer's contribution to the pension plan shall be multiplied by the monthly annuity value of the pension benefit. The result shall be divided by 4.34 to achieve the offset to the workers' compensation benefit on a weekly basis.

#### **§ 122.11. Application of offset for severance benefits.**

(a) Workers' compensation benefits otherwise payable shall be offset by amounts an employee receives in severance benefits subsequent to the work-related injury.

(b) When the employee receives severance benefits in a lump-sum payment, the net amount received by the employee shall be divided by the weekly workers' compensation rate. The result is the number of weeks, and fraction thereof, the insurer may credit towards future payments of workers' compensation benefits.

(c) When an employee receives a severance benefit in the form of tangible property, the market value of the property shall be divided by the weekly workers' compensation rate. The result is the number of weeks, and fraction thereof, the employer may credit towards future payments of workers' compensation benefits.

### **Subchapter B. IMPAIRMENT RATINGS**

Sec.

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|---------|--|
| 122.101 | Purpose.                               |
| 122.102 | Impairment rating evaluation requests. |
| 122.103 | Physicians.                            |
| 122.104 | Impairment rating determination.       |

#### **§ 122.101. Purpose.**

This subchapter interprets section 306(a.2) of the act (77 P. S. § 511.2) which provides for a determination of whole body impairment after the receipt of 104 weeks of total disability compensation.

#### **§ 122.102. Impairment rating evaluation requests.**

(a) Within 60 days of an employee's receipt of 104 weeks of total disability compensation, the insurer may request the employee's attendance at an impairment rating evaluation. The insurer shall request the evaluation either 60 days prior to, or up to 60 days after, the expiration of the employee's receipt of 104 weeks of total disability compensation. The impairment rating evaluation may not take place prior to the expiration of the employee's receipt of 104 weeks of total disability compensation. The 104 weeks of total disability shall be calculated on a cumulative basis.

(b) The insurer shall request the employee's attendance at the impairment rating evaluation in writing on a form designated by the Department, and therein specify the date, time and location of the evaluation and the name of the physician chosen by agreement of the parties to perform the evaluation. The request shall be made to the employee and employee's counsel—if known.

(c) If the parties cannot agree upon the physician to perform the impairment rating evaluation, the Department will appoint a physician.

(d) The insurer's failure to request the evaluation within 60 days of the expiration of 104 weeks of total disability may not result in a waiver of the insurer's right to compel the employee's attendance at an impairment rating evaluation. The insurer maintains the right to request and receive an impairment rating evaluation twice in a 12-month period.

(e) The employee's failure to attend the impairment rating evaluation under this section may result in a suspension of the employee's right to benefits consistent with section 314(a) of the act (77 P. S. § 651(a)).

(f) The parties may agree to forego an impairment rating evaluation.

#### **§ 122.103. Physicians.**

(a) Physicians performing impairment rating evaluations shall:

(1) Be licensed in this Commonwealth and certified by an American Board of Medical Specialties-approved board or its osteopathic equivalent.

(2) Be active in clinical practice at least 20 hours per week.

(b) For purposes of this subchapter, the phrase "active in clinical practice" means providing preventive care and evaluating, treating and managing medical conditions of patients on an ongoing basis.

#### **§ 122.104. Impairment rating determination.**

(a) The physician performing the impairment rating evaluation shall complete an "Impairment Rating Determination Face Sheet" (Face Sheet), which sets forth the impairment rating as determined by the physician. The physician shall attach a written report of the impairment evaluation findings to the Face Sheet. The Face Sheet and report shall be provided to the employee, employee's counsel—if known—insurer and the Department within 30 days from the date of the impairment evaluation.

(b) If the evaluation results in an impairment rating that is equal to or greater than 50%, the employee shall be presumed to be totally disabled and shall continue to receive total disability compensation. The presumption of total disability may be rebutted at any time by a demonstration of earning power in accordance with section 306(b)(2) of the act (77 P. S. § 512(b)(2)).

(c) If the evaluation results in an impairment rating of less than 50%, the employee shall receive benefits partial in character. To adjust the status of the employee's benefits from total to partial, the insurer shall provide notice to the employee, the employee's counsel—if known—and the Department, on a form to be prescribed by the Department, of the following:

(1) The evaluation has resulted in an impairment rating of less than 50%.

(2) Sixty days from the date of the notice the employee's benefits status shall be adjusted from total to partial.

(3) The adjustment of benefit status may not change the amount of weekly workers' compensation benefit.

(4) An employee may only receive partial disability benefits for a maximum of 500 weeks.

(5) The employee may appeal the adjustment to partial disability status to a Workers' Compensation Judge by filing a Petition for Review with the Department and producing a physician's determination of impairment which is equal to or greater than 50%.

(d) The adjustment of benefit status shall be effective as of one of the following:

(1) The date of the expiration of the employee's receipt of 104 weeks of total disability compensation, so long as the impairment rating evaluation is performed within 60 days of the expiration of the employee's receipt of 104 weeks of total disability compensation.

(2) The date of the impairment rating evaluation.

(e) At any time during the receipt of 500 weeks of partial disability compensation, the employee may appeal the adjustment of disability status to a Workers' Compensation Judge by filing a Petition for Review with the Department. The employee shall produce a physician's determination of impairment which is equal to or greater than 50%.

### **Subchapter C. VOCATIONAL EXPERTS AND EARNING POWER ASSESSMENTS**

Sec.

122.201. Purpose.

122.202. Qualifications.

#### **§ 122.201. Purpose.**

This subchapter interprets the provisions of the act which require the Department to approve experts who will conduct earning power assessment interviews under section 306(b)(2) of the act (77 P. S. § 512(b)(2)), as well as sections 314 and 449 of the act (77 P. S. §§ 651 and 1000.5). The experts contemplated by this subchapter are vocational evaluators.

#### **§ 122.202. Qualifications.**

In order to be an expert approved by the Department for the purposes of conducting earning power assessment interviews, the individual shall possess a minimum of one of the following:

(1) Both of the following:

(i) Certification by one of the following Nationally recognized professional organizations:

(A) The American Board of Vocational Evaluators.

(B) The National Board of Certified Counselors.

(C) The Commission on Rehabilitation Counselor Certification.

(ii) One year experience in analyzing labor market information and conditions, industrial and occupational trends, with primary duties providing actual vocational rehabilitation services, which include but are not limited to the following:

(A) Job seeking skills.

(B) Job development.

(C) Job analysis.

(D) Career exploration.

(E) Placement of individuals with disabilities.

(2) Certification by a Nationally recognized professional organization under the direct supervision of an individual possessing the criteria in paragraph (1).

(3) Experience testifying as a vocational evaluator in the social security system.

(4) Possession of a Bachelor's degree or a valid license issued by the Department of State's Bureau of Professional and Occupational Affairs, so long as the individual is under the direct supervision of an individual possessing the criteria in paragraph (1).

(5) At least 5 years experience in the Pennsylvania Workers' Compensation system prior to August 23, 1996, as a vocational evaluator, with experience in analyzing labor market information and conditions, industrial and occupational trends, with primary duties providing actual vocational rehabilitation services, which include but are not limited to the following:

- (i) Job seeking skills.
- (ii) Job development.
- (iii) Job analysis.
- (iv) Career exploration.
- (v) Placement of individuals with disabilities.

#### **Subchapter D. EARNING POWER DETERMINATIONS**

Sec.

122.301. Notice of Ability to Return to Work.

122.302. Employer job offer obligation.

122.303. Evidence of earning power.

#### **§ 122.301. Notice of Ability to Return to Work.**

(a) After receipt of medical evidence which indicates that an employee is able to return to work in any capacity, the insurer shall provide prompt written notice on form LIBC-757, "Notice of Ability to Return to Work" to the employee regarding the following:

(1) The nature of the employee's physical condition or change in condition.

(2) The employee's obligation to seek available employment and that proof of available employment may jeopardize the employee's right to receive benefits.

(3) The employee's right to consult with an attorney.

(b) This notice shall be provided prior to, or contemporaneous with, the filing of a Petition for Modification. The insurer shall provide the notice required by subsection (a), to the employee and the employee's counsel, if known, regardless of whether the insurer intends to file a Petition for Modification.

#### **§ 122.302. Employer job offer obligation.**

(a) If a specific job vacancy exists with the liable employer, which the employee is capable of performing, the employer shall offer that job to the employee prior to seeking a modification of benefits based on earning power.

(b) The employer's obligation to offer a specific job vacancy to the employee commences upon the filing of the notice required by § 122.301 (relating to notice of ability to return to work) and shall continue for 30 days or until the filing of a Petition for Modification, whichever is longer.

(c) The employer's duty under subsections (a) and (b) may be satisfied if the employer avers on the Petition for Modification that one of the following exists:

(1) The employee was notified of a job vacancy and failed to respond.

(2) A specific job vacancy was offered to the employee, which the employee refused.

(3) No job vacancy exists.

(d) The employee may establish the existence of a specific job vacancy with the employer by demonstrating that during the period in which the employer has a duty to offer a specific job vacancy, which the employee is capable of performing, the following exist:

(1) The employer is or was actively recruiting for a particular vacancy; the vacancy is or has been posted; or the employer has announced a vacant position which it intends to fill.

(2) The employee meets or exceeds the requirements of the position.

(e) A job will not be considered vacant if the employee's ability to fill the position is precluded by any applicable collective bargaining agreement.

#### **§ 122.303. Evidence of earning power.**

An insurer may demonstrate an employee's earning power with expert testimony relative to the employee's capacity to perform a job and the existence of a job in the usual employment area of the employee. For injuries suffered on or after June 24, 1996, the employer's job offer obligation to the employee is limited as set forth in § 122.302 (relating to employer job offer obligation).

#### **Subchapter E. COLLECTIVE BARGAINING**

Sec.

122.401. Use of Alternative Dispute Resolution (ADR) Systems.

#### **§ 122.401. Use of Alternative Dispute Resolution (ADR) Systems.**

(a) Collective bargaining agreements may provide for an Alternative Dispute Resolution (ADR) System which may include arbitration, mediation and conciliation, for the resolution of claims for work-related injuries.

(b) ADR systems established under section 450 of the act (77 P. S. § 1000.6) shall be the exclusive system for resolving workers' compensation claims.

(c) Determinations made under an ADR system established under section 450 of the act shall be binding and enforceable.

(d) Appeals from determinations rendered under an ADR system are limited to those made under the conditions specified by 42 Pa.C.S. § 7314 (relating to vacating award by court).

(e) The ADR system in effect on the date of the employee's work-related injury shall be the exclusive system utilized to resolve a claim for benefits made by the employee in relation to the work-related injury.

#### **Subchapter F. EMPLOYEE REPORTING REQUIREMENTS AND VERIFICATION**

Sec.

122.501. Reporting requirement.

122.502. Verification.

#### **§ 122.501. Reporting requirement.**

An insurer shall notify the employee of the employee's reporting requirements under sections 204 and 311.1(a) and (d) of the act (77 P. S. §§ 71 and 631.1(a) and (d)). In addition, the insurer shall provide to the employee necessary forms required to fulfill the employee's reporting and verification requirements.

**§ 122.502. Verification.**

(a) Insurers may submit Form LIBC-760, "Employee Verification of Employment, Self-employment or Change in Physical Condition," to the employee and employee's counsel—if known—to verify that the employee's status regarding the entitlement to receive compensation has not changed.

(b) The employee shall complete and return the verification form to the insurer within 30 days of receipt of the form.

(c) If the employee fails to comply with subsection (b), the insurer may suspend payments of compensation until the verification form is returned by the employee.

(d) To suspend payments of compensation due to the employee's failure to comply with subsection (b), the insurer shall provide written notice to the employee, the employee's counsel—if known—and the Department, on a form prescribed by the Department, of the following:

(1) The workers' compensation benefits have been suspended because of the employee's failure to return the verification form within the statutorily prescribed time period.

(2) The workers' compensation benefits shall be immediately reinstated by the insurer upon receipt of the completed verification form.

(3) The employee has the right to challenge the suspension of benefits by filing a Petition for Review with the Department.

(e) Upon receipt of the completed verification form, the insurer shall immediately reinstate the workers' compensation benefits for which the employee is eligible. The insurer shall provide written notice to the employee, employee's counsel—if known—and the Department, that the employee's workers' compensation benefits have been reinstated due to the return of the completed verification form. The notice shall further indicate the date the verification form was received by the insurer and the date of reinstatement of workers' compensation benefits.

(f) Employees are not entitled to payments of workers' compensation during periods of noncompliance with subsection (b).

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